AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# FEDERAL REGISTER

Vol. 86 Tuesday

No. 84 May 4, 2021

Pages 23577–23842

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

**The seal of the National Archives and Records Administration authenticates the Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

**How To Cite This Publication:** Use the volume number and the page number. Example: 86 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

**PUBLIC**

**Subscriptions:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public subscriptions | **202–512–1806** |

**General online information** **202–512–1530; 1–888–293–6498**

**Single copies/back copies:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public single copies | **1–866–512–1800 (Toll-Free)** |

**FEDERAL AGENCIES**

**Subscriptions:**

Assistance with Federal agency subscriptions:

| | |
|---|---|
| Email | *FRSubscriptions@nara.gov* |
| Phone | **202–741–6000** |

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

# Contents

**Federal Register**

Vol. 86, No. 84

Tuesday, May 4, 2021

**Agriculture Department**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23670

**Bureau of Safety and Environmental Enforcement**
**RULES**
Oil and Gas and Sulfur Operations on the Outer Continental Shelf:
Civil Penalty Inflation Adjustment, 23606–23608

**Centers for Disease Control and Prevention**
**NOTICES**
Rescission of the Requirement for Airlines to Collect Designated Information for Passengers Destined for the United States Who Are Departing From, or Were Otherwise Present in the Democratic Republic of the Congo, 23727–23728

**Centers for Medicare & Medicaid Services**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23729–23730
Privacy Act; Matching Program, 23728–23729

**Civil Rights Commission**
**NOTICES**
Meetings:
Minnesota Advisory Committee, 23671
Requests for Nominations:
U.S. Territory Advisory Committees, 23670–23671

**Coast Guard**
**RULES**
Drawbridge Operations:
Hackensack River, Jersey City, NJ, 23609–23610
Safety Zone:
Ohio River, Lawrenceburg, IN, 23611–23613
Safety Zones:
Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in June 2021, 23613–23614
Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in May 2021, 23611
Special Local Regulation:
Annual Les Cheneaux Islands Antique Wooden Boat Show, Hessel, MI, 23608–23609
**PROPOSED RULES**
Drawbridge Operations:
Chicago River, Chicago, IL, 23639–23641

**Commerce Department**
*See* Foreign-Trade Zones Board
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration

**Drug Enforcement Administration**
**RULES**
Schedules of Controlled Substances:
Placement of Four Specific Fentanyl-Related Substances in Schedule I, 23602–23606
**NOTICES**
Bulk Manufacturer of Controlled Substances Application:
Cargill, Inc., 23740–23741
Importer of Controlled Substances Application:
VHG Labs DBA LGC Standards, 23740
Wildlife Laboratories, LLC, 23740

**Employment and Training Administration**
**NOTICES**
Requests for Nominations:
Advisory Committee on Apprenticeship Charter, 23741–23742

**Energy Department**
*See* Federal Energy Regulatory Commission
**PROPOSED RULES**
Energy Conservation Program:
Test Procedures for Consumer Products; Early Assessment Review: Ceiling Fan Light Kits, 23635–23639
**NOTICES**
Energy Conservation Program:
Decision and Order Granting a Waiver to Air Innovations from the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure, 23702–23708
Petition for Waiver of Vinotemp International Corp. from the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure and Notification of Grant of Interim Waiver, 23692–23702

**Environmental Protection Agency**
**NOTICES**
Certain New Chemicals or Significant New Uses:
Statements of Findings for January 2021, 23722–23723

**Executive Office for Immigration Review**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Fee Waiver Request; Correction, 23741

**Export-Import Bank**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23723

**Federal Aviation Administration**
**RULES**
Airworthiness Directives:
CFM International, S.A. Turbofan Engines, 23599–23602
Dassault Aviation Airplanes, 23593–23595
The Boeing Company Airplanes, 23595–23599

**Federal Communications Commission**
**RULES**
Standards for Hearing Aid-Compatible Handsets, 23614–23629

**Federal Energy Regulatory Commission**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23718–23720

Application:
City of Idaho Falls, 23712–23713
Grand River Power Company, Inc., 23718
McCallum Enterprises I Ltd., Partnership and Shelton Canal Co., 23717
Turnagain Arm Tidal Energy Corp., 23711–23712
Combined Filings, 23716–23717, 23720–23721
Complaint:
ConocoPhillips Co.; Direct Energy Business Marketing, LLC; Exelon Corp.; NextEra Energy Marketing, LLC v. Panhandle Eastern Pipe Line Co., LP, 23713
Environmental Issues:
Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC; CP2 LNG and CP Express Project, 23708–23711
Meetings:
Electrification and the Grid of the Future; Supplemental; Technical Conference, 23713–23715
Request for Partial Waiver:
Dairyland Power Cooperative, 23715–23716

**Federal Financial Institutions Examination Council**
**NOTICES**
Meetings:
Appraisal Subcommittee, 23723–23724

**Federal Housing Finance Agency**
**RULES**
Resolution Planning, 23577–23593

**Federal Motor Carrier Safety Administration**
**NOTICES**
Hours of Service of Drivers:
Application for Renewal of American Pyrotechnics Association Exemptions from the 14-Hour Rule and the Electronic Logging Device Rule during Independence Day Celebrations, 23779–23780
Meetings:
Medical Review Board, 23780–23781

**Federal Trade Commission**
**NOTICES**
Proposed Consent Agreement:
Casey's General Stores, Inc., 23724–23726

**Federal Transit Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23781–23782

**Fish and Wildlife Service**
**PROPOSED RULES**
2021–2022 Station-Specific Hunting and Sport Fishing Regulations, 23794–23842
Migratory Bird Hunting:
Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2021-22 Season, 23641–23657

**Foreign-Trade Zones Board**
**NOTICES**
Application for Production Authority:
Teijin Carbon Fibers, Inc., Foreign-Trade Zone 38, Spartanburg County, SC, 23672
Approval of Subzone Status :
Piramal Critical Care, Inc.; Linden, NJ, 23672
Expansion under Alternative Site Framework:
Foreign-Trade Zone 29; Louisville, KY, 23671–23672

**General Services Administration**
**NOTICES**
Meetings:
Office of Asset and Transportation Management; Presidential Commission on the Supreme Court of the United States, 23726

**Health and Human Services Department**
*See* Centers for Disease Control and Prevention
*See* Centers for Medicare & Medicaid Services
*See* National Institutes of Health
**NOTICES**
Meetings:
National Clinical Care Commission, 23731
Request for Nominations:
Advisory Council on Alzheimer's Research, Care, and Services, 23730

**Homeland Security Department**
*See* Coast Guard
*See* Transportation Security Administration

**Interior Department**
*See* Bureau of Safety and Environmental Enforcement
*See* Fish and Wildlife Service
*See* Land Management Bureau
*See* National Park Service
*See* Reclamation Bureau

**Internal Revenue Service**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23788–23790

**International Trade Administration**
**NOTICES**
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China, 23681
Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof from the People's Republic of China, 23675–23678
Determination of Sales at Less Than Fair Value:
Certain Aluminum Foil from Brazil, 23678–23680
Certain Aluminum Foil from Russia, 23683–23686
Certain Aluminum Foil from the Republic of Armenia, 23672–23675
Certain Aluminum Foil from the Republic of Turkey, 23686–23688
Certain Aluminum Foil from the Sultanate of Oman, 23681–23683

**International Trade Commission**
**NOTICES**
Investigations; Determinations, Modifications, and Rulings, etc.:
Prestressed Concrete Steel Wire Strand from China, 23739

**Justice Department**
*See* Drug Enforcement Administration
*See* Executive Office for Immigration Review

**Labor Department**
*See* Employment and Training Administration
*See* Occupational Safety and Health Administration

**Land Management Bureau**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Land for Recreation or Public Purposes, 23737–23738

**National Institutes of Health**
NOTICES
Meetings:
Center for Scientific Review, 23731–23732
National Institute of Allergy and Infectious Diseases, 23734–23735
National Institute of Mental Health, 23731
National Institute on Aging, 23732
National Toxicology Program Board of Scientific Counselors, 23733–23734
Prospective Grant of an Exclusive Patent License:
Development and Commercialization of Cell Therapies for Cancer, 23732–23733, 23735–23737
Natural Product Based Nanoparticles as Dietary Management and/or Treatment of Inflammatory Related Diseases, 23734–23735

**National Oceanic and Atmospheric Administration**
RULES
Fisheries of the Northeastern United States:
Atlantic Spiny Dogfish Fishery; Revised 2021 and Projected 2022 Specifications, 23633–23634
PROPOSED RULES
Endangered and Threatened Species:
Removal of Siderastrea glynni from the Federal List of Threatened and Endangered Species, 23657–23659
Fisheries off West Coast States; Pacific Coast Groundfish Fishery:
2021 Harvest Specifications for Pacific Whiting, and 2021 Pacific Whiting Tribal Allocation, 23659–23669
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 23688–23689
Meetings:
Mid-Atlantic Fishery Management Council, 23689
Takes of Marine Mammals Incidental to Specified Activities:
U.S. Navy Target and Missile Launch Activities on San Nicolas Island, 23689–23692

**National Park Service**
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 23738–23739

**National Science Foundation**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23744–23745

**National Transportation Safety Board**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23745–23746

**Nuclear Regulatory Commission**
NOTICES
Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information, 23746–23750
Draft Regulatory Guide:
Control of Heavy Loads at Nuclear Facilities, 23750–23751
Environmental Assessments; Availability, etc.:
Findings of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans, 23752–23756
Inspections, Tests, Analyses, and Acceptance Criteria:
Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4, 23756–23757
Transfer of Licenses:
Palo Verde Nuclear Generating Station, Units 1, 2, and 3, and Independent Spent Fuel Storage Installation; Consideration of Approval, 23757–23760

**Occupational Safety and Health Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Telecommunications Standard, 23742–23744

**Pipeline and Hazardous Materials Safety Administration**
NOTICES
Hazardous Materials:
Show Cause and Procedures for Complying with the UN Model Regulation 6(d) Test Criteria for Certain Explosive Classification Approvals, 23782–23788

**Railroad Retirement Board**
NOTICES
Meetings:
Actuarial Advisory Committee, 23761

**Reclamation Bureau**
NOTICES
Privacy Act; Systems of Records, 23739

**Securities and Exchange Commission**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 23764, 23770, 23773–23775
Application:
HPS Corporate Lending Fund and HPS Investment Partners, LLC, 23764–23766
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 23767–23770
Cboe EDGX Exchange, Inc., 23770–23773
Cboe Exchange, Inc., 23761–23764, 23775–23778

**Small Business Administration**
NOTICES
Surrender of License of Small Business Investment Company:
Diamond State Ventures II, LP, 23778

**State Department**
NOTICES
Culturally Significant Objects Imported for Exhibition:
The Spirit Wraps around You, 23778

Extension of Waiver of Section 907 of the Freedom Support Act with Respect to Assistance to the Government of Azerbaijan, 23778

**Tennessee Valley Authority**
**NOTICES**
Meetings; Sunshine Act, 23778–23779

**Transportation Department**
*See* Federal Aviation Administration
*See* Federal Motor Carrier Safety Administration
*See* Federal Transit Administration
*See* Pipeline and Hazardous Materials Safety Administration

**Transportation Security Administration**
**RULES**
Security Training for Surface Transportation Employees; Extension of Compliance Dates; Correcting Amendments, 23629–23633

**Treasury Department**
*See* Internal Revenue Service
*See* United States Mint

**United States Mint**
**NOTICES**
Establish Price for 2021 Silver Numismatic Products, 23790
Meetings:
Citizens Coinage Advisory Committee, 23790–23791

**Veterans Affairs Department**
**NOTICES**
Requests for Nominations:
Appointment to the Veterans and Community Oversight and Engagement Board, 23791

---

**Separate Parts In This Issue**

**Part II**
Interior Department, Fish and Wildlife Service, 23794–23842

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.


**10 CFR**

**Proposed Rules:**

430 ..... 23635

**12 CFR**

1242 ..... 23577

**14 CFR**

39 (3 documents) ..... 23593, 23595, 23599

**21 CFR**

1308 ..... 23602

**30 CFR**

250 ..... 23606

**33 CFR**

100 ..... 23608
117 ..... 23609
165 (3 documents) ..... 23611, 23613

**Proposed Rules:**

117 ..... 23639

**47 CFR**

2 ..... 23614
20 ..... 23614
68 ..... 23614

**49 CFR**

1570 ..... 23629
1582 ..... 23629

**50 CFR**

648 ..... 23633

**Proposed Rules:**

20 ..... 23641
32 ..... 23794
71 ..... 23794
224 ..... 23657
660 ..... 23659

# Rules and Regulations

Federal Register
Vol. 86, No. 84
Tuesday, May 4, 2021

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## FEDERAL HOUSING FINANCE AGENCY

### 12 CFR Part 1242

**RIN 2590–AB13**

### Resolution Planning

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) is publishing a final rule that requires Fannie Mae and Freddie Mac (the Enterprises) to develop plans to facilitate their rapid and orderly resolution in the event FHFA is appointed receiver. A resolution planning rule is an important part of FHFA's ongoing effort to develop a robust prudential regulatory framework for the Enterprises, including capital, liquidity, and stress testing requirements, as well as enhanced supervision, which will be critical to FHFA's supervision of the Enterprises particularly in the event of an exit from conservatorship. Requiring the Enterprises to develop resolution plans would support FHFA's efforts as receiver for the Enterprises to, among other things, minimize disruption in the national housing finance markets by providing for the continued operation of an Enterprise's core business lines (CBLs) by a limited-life regulated entity (LLRE); ensure that private-sector investors in Enterprise securities, including Enterprise debt, stand to bear losses in accordance with the statutory priority of payments while minimizing unnecessary losses and costs to these investors. In addition, resolution planning will help foster market discipline in part through FHFA publication of ''public'' sections of Enterprise resolution plans.

**DATES:** This rule is effective on July 6, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ellen S. Bailey, Managing Associate General Counsel, (202) 649–3056, *Ellen.Bailey@fhfa.gov;* Francisco Medina, Assistant General Counsel, (202) 649–3076, *Francisco.Medina@fhfa.gov*; Jason Cave, Deputy Director, Division of Resolutions, (202) 649–3027, *Jason.Cave@fhfa.gov*; or Sam Valverde, Principal Advisor, Division of Resolutions, (202) 649–3732, *Sam.Valverde@fhfa.gov*. These are not toll-free numbers. The mailing address is: Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
  A. Background; Purpose of and Need for the Rule
  B. Overview of the Proposed Rule
II. Discussion of Comments and Agency Response
  A. Overview of Comments Received
  B. Purpose of the Rule; ''Rapid and Orderly'' Resolution
  C. Identification of Core Business Lines; Associated Operations and Services
  D. Content and Form of an Enterprise Resolution Plan
  E. Timing of Plan Submission; Interim Updates
  F. FHFA Identification of Deficiencies and Shortcomings
  G. Timing of FHFA Feedback; Provision of Formal Guidance
  H. Comments Beyond the Scope of the Rule
III. Summary of Changes to the Final Rule
  A. Section 1242.4(a)(2), Altering Submission Dates
  B. Section 1242.5(a), Reservation of Authority To Tailor Submission Requirements
  C. Section 1242.7(b), Addition of a ''Shortcomings'' Category
IV. Regulatory Analyses
  A. Paperwork Reduction Act
  B. Regulatory Flexibility Act
  C. Congressional Review Act

## I. Introduction

### *A. Background; Purpose of and Need for the Rule*

*Enterprise Purpose and Business.* Fannie Mae and Freddie Mac are federally chartered housing finance enterprises whose purposes include providing stability to the secondary market for residential mortgages; providing ongoing assistance to the secondary market for residential mortgages (including activities related to mortgages on housing for low- and moderate-income families) by increasing the liquidity of mortgage investments and improving distribution of investment capital available for residential mortgage financing; and, promoting access to mortgage credit throughout the United States, including central cities, rural areas, and underserved areas, by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing.[1] To meet these purposes, the Enterprises are statutorily authorized to engage in limited activities—primarily, the purchase and securitization of eligible mortgage loans—and are directed to use their authority in certain ways, such as meeting statutorily required goals related to housing loans for low- and very low-income families and serving underserved housing markets.[2]

Each Enterprise generally organizes its business activity into a single-family business and a multifamily business. The Enterprises' combined single-family book of business is in excess of $5 trillion and the combined multifamily book is approximately $650 billion.

The Enterprise business models for supporting single-family and multifamily housing consist primarily of a guarantee business in which the Enterprises guarantee the timely payment of principal and interest to investors in mortgage-backed securities (MBS) issued by the Enterprises.[3] Mortgage lenders participate in the MBS swap and cash window programs, originating loans in accordance with Enterprise standards and either providing those loans to an Enterprise in exchange for securities guaranteed by the Enterprise or selling loans directly to the Enterprise for cash. In the portfolio business, the Enterprises issue debt and invest the proceeds in whole loans or in MBS that they hold on their

[1] 12 U.S.C. 1451 (note) and 1716.

[2] *See, e.g., id.* 1454, 1723a, 4561, and 4565.

[3] In general, the Enterprises do not cross-guarantee each other's MBS. However, Supers, which are resecuritizations of Enterprise uniform mortgage-backed securities (UMBS), may be supported by UMBS issued by both Enterprises. In the case of such ''commingled'' Supers, the guarantor is the issuing Enterprise, but the issuing Enterprise may look to the non-issuing Enterprise to cover timely payments of principal and interest through the issuing Enterprise's guarantee on its underlying UMBS. The Enterprise that issues and guarantees the Supers is ultimately responsible to the investor for making those payments.

balance sheets. In both their portfolio and guarantee businesses, the Enterprises assume credit risk on purchased or securitized loans (in MBS swap and cash programs, the Enterprise assumes the credit risk in exchange for a guarantee fee).

The Enterprises' guarantee of timely payment of principal and interest to investors is not backed by the full faith and credit of the United States.[4] The Enterprises are required to state in all of their obligations and securities that such obligations and securities, including the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or any agency or instrumentality thereof other than the Enterprise itself.[5] Nonetheless, because of the Enterprises' federal statutory charters and some federally conferred business privileges,[6] pricing of Enterprise obligations suggested, even before the provision of explicit Treasury support at the time of the financial crisis, that investors perceive a full faith and credit guarantee.[7] Investors may have been relying on this perception when deciding to invest in the Enterprises' debt and MBS at borrowing costs near that of debt issued by the federal government, despite the Enterprises' high leverage. That same perception may encourage typically conservative investors, including foreign sovereigns, to purchase Enterprise obligations and securities. The perception of an implicit guarantee thus undermines market discipline and incentivizes risk taking and growth at the Enterprises.

*Enterprise Supervision; Resolution.* As regulator and supervisor of the Enterprises, FHFA's duties include ensuring that the Enterprises operate in a safe and sound manner; foster liquid, efficient, competitive, and resilient national housing finance markets; and, operate in a manner that is consistent with the public interest.[8] FHFA is also authorized to appoint itself as conservator or receiver of an Enterprise if statutory grounds are met.[9] When appointed receiver of an Enterprise, FHFA must establish a limited-life regulated entity (LLRE), which immediately succeeds to the Enterprise's federal charter and thereafter operates subject to the Enterprise's authorities and duties.[10] Because Enterprise obligations and securities are not backed by the full faith and credit of the United States, resolution of an Enterprise by FHFA necessarily would involve only the Enterprise's resources available to absorb losses and satisfy investor and creditor claims—Enterprise assets, capital and capital-like instruments, and contracts that transfer risk of loss to third parties.

In September 2008, when it was apparent that substantial deterioration in the housing market would leave the Enterprises unable to fulfill their statutory purposes and mission without government intervention, FHFA appointed itself conservator of each Enterprise.[11] At the same time, as conservator for each Enterprise, FHFA entered into the Senior Preferred Stock Purchase Agreements (PSPAs) with the U.S. Department of the Treasury (Treasury or Treasury Department) to provide each Enterprise financial support up to a specified amount.[12] This limited support, which continues to the present, permits the Enterprises to meet their outstanding obligations and continue to provide liquidity to the mortgage markets while maintaining a positive net worth.

The Enterprise conservatorships have lasted for over twelve years, considerably longer than any conservatorship under the auspices of the Federal Deposit Insurance Corporation (FDIC) or the Resolution Trust Corporation (established to resolve failed thrifts following the 1989 thrift crisis and since abolished).[13] FHFA's current Strategic Plan includes the objective of responsibly ending the conservatorships.[14] In preparation, FHFA is developing a more robust prudential regulatory framework for the Enterprises, including capital, liquidity, and stress testing requirements, and enhanced supervision.

FHFA believes a resolution planning rule is also an important part of developing such a framework and is a key step toward the robust regulatory post-conservatorship framework FHFA is developing. The Treasury Department's 2019 *Housing Reform Plan* also noted the importance of developing a credible resolution framework for the Enterprises to protect taxpayers, enhance market discipline, and mitigate moral hazard and systemic risk.[15] FHFA shares that Plan's view of the benefits of a credible Enterprise resolution framework. Finally, by providing that the charter of an Enterprise that has been placed into receivership be transferred immediately to the LLRE upon its organization [16] and prohibiting FHFA from terminating the charter,[17] the Safety and Soundness Act effectively requires that an Enterprise resolution through receivership be viable. Resolution planning would be a key element of implementing that statutory mandate, and thus of meeting congressional intent.

For the foregoing reasons, FHFA proposed a rule that would require the Enterprises to develop credible resolution plans and submit them to FHFA for review, set forth information and other content requirements for such plans, and establish procedures for submission and review.[18] The proposed rule is summarized for convenience below.

In developing an Enterprise resolution planning framework, FHFA has considered the resolution planning framework of the FDIC for large insured depository institutions (IDIs) and a framework jointly established by the FDIC and the Federal Reserve Board (FRB) pursuant to section 165(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (the DFA section 165 rule), which covers large, interconnected bank holding companies and nonbank financial companies designated by the Financial

[4] *Compare* 12 U.S.C. 1717(a)(2)(A), 1455(h)(2), and 1719(d); *see also id.* 4501(4) and 4503.

[5] *Id.* 1455(h)(2) and 1719(d). Since September 2008, the Enterprises have been provided explicit, but limited, support by the U.S. Department of the Treasury through Senior Preferred Stock Purchase Agreements (PSPAs) to assure continuing operation of the Enterprises in conservatorships. *See https://www.fhfa.gov/Conservatorship/Pages/Senior-Preferred-Stock-Purchase-Agreements.aspx.* The PSPAs currently remain in place, and each PSPA establishes a limit or cap on the amount of support Treasury will provide, so they are not an exercise of the full faith and credit of the United States.

[6] The Enterprises may be depositories of public money; are exempt from almost all federal, state, and local taxation; and, are not required to be licensed to do business in any state. *Id.* 1452(d) and (e), 1456(a), 1723a(c)(2), and 1723a(a). Enterprise securities are exempt securities within the meaning of laws administered by the U.S. Securities and Exchange Commission, and the Secretary of the Treasury may purchase their obligations and may do so with public money. *Id.* 1455(c) and (g), 1719(c) and (e), and 1723c.

[7] *See https://www.fhfa.gov/PolicyPrograms Research/Research/Pages/Working-Paper-07-4.aspx.*

[8] 12 U.S.C. 4513(a)(1)(B).

[9] *Id.* 4617(a).

[10] *Id.* 4617(i)(1)(A)(ii) and (2)(A).

[11] *See https://www.fhfa.gov/Media/PublicAffairs/Pages/Statement-of-FHFA-Director-James-B--Lockhart-at-News-Conference-Annnouncing-Conservatorship-of-Fannie-Mae-and-Freddie-Mac.aspx.*

[12] *See supra,* fn. 4.

[13] By comparison, the RTC closed 706 failed thrift institution conservatorships from its establishment in 1989 through June 1995. *See* FDIC, *Managing the Crisis: The FDIC and RTC Experience,* 1980–1994 (1998), vol. 1, 27.

[14] *See https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/FHFA_StrategicPlan_2021-2024_Final.pdf.*

[15] *See* U.S. Department of the Treasury, *Housing Reform Plan* (September, 2019), *available at https://home.treasury.gov/system/files/136/Treasury-Housing-Finance-Reform-Plan.pdf.*

[16] *See* 12 U.S.C. 4617(i)(2).

[17] *See* 12 U.S.C. 4617(k).

[18] *See* 86 FR 1326 (Jan. 8, 2021).

Stability Oversight Council for enhanced supervision by the FRB. While there would be significant differences among FDIC resolution of an IDI, resolution of a bank holding company in a bankruptcy proceeding, and FHFA resolution of an Enterprise, the FDIC's IDI rule and the DFA section 165 rule provided valuable context for FHFA's consideration of the goals and requirements of an appropriate Enterprise resolution planning framework in view of FHFA's statutory authorities and mandates.

*B. Overview of the Proposed Rule*

In the proposed rule, FHFA addressed the substantive and procedural requirements for ''credible'' Enterprise resolution plans that would be developed to facilitate their ''rapid and orderly resolution'' by FHFA as receiver. Because FHFA is statutorily required to create an LLRE for an Enterprise in receivership, and because the LLRE immediately succeeds to the Enterprise's federal charter and thereafter operates subject to the Enterprise's authorities and duties, FHFA proposed to define ''rapid and orderly resolution'' for an Enterprise as the process for establishing its successor LLRE, including transferring Enterprise assets and liabilities to the LLRE, such that succession can be accomplished promptly and in a manner that substantially mitigates the risk that the failure of the Enterprise would have serious adverse effects on national housing finance markets.

The Enterprise resolution planning process would begin with identification of an Enterprise's ''core business lines'' (CBLs)—those business lines of the Enterprise that plausibly would continue to operate in the LLRE, considering the Enterprise's statutory purposes, mission, and authorized activities. Identification of CBLs would include identification of associated operations, services, functions, and supports necessary for each CBL to be continued. Understanding CBLs will enable FHFA and the Enterprise to determine the operations of the LLRE, and what assets and liabilities must be transferred from the Enterprise to carry out those operations. FHFA proposed a two-step process for identifying CBLs, in which FHFA would determine Enterprise CBLs after reviewing the Enterprises' preliminary identification. That process is intended to balance FHFA's statutory responsibilities as supervisor of the Enterprises with the Enterprises' greater awareness of their own business operations.

Other proposed substantive requirements addressed the content of Enterprise resolution plans. FHFA proposed to require each resolution plan to contain strategic analysis and information important to understanding an Enterprise's CBLs and facilitating their continuation in an LLRE established by FHFA as receiver. Each resolution plan would also be required to reflect required and prohibited assumptions.

Specifically, each Enterprise would be required to consider that resolution may occur under the severely adverse economic conditions provided to the Enterprise by FHFA in conjunction with any stress testing required pursuant to FHFA's regulation on stress testing of the regulated entities, 12 CFR part 1238, or another scenario provided by FHFA, possibly more idiosyncratic to an Enterprise. Similar to the DFA section 165 rule, each Enterprise would be prohibited from assuming that any extraordinary support from the United States government would be continued or provided to the Enterprise to prevent either its becoming in danger of default or in default.[19] For the Enterprises, this includes support obtained or negotiated on behalf of the Enterprises by FHFA in its capacity as conservator of each Enterprise through the PSPAs with the Treasury Department. Each Enterprise's resolution plan would also be required to reflect statutory provisions that the Enterprise's ''obligations and securities, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or any agency or instrumentality thereof other than [the Enterprise].'' [20]

Each Enterprise's strategic analysis would detail how, in practice, the Enterprise could be resolved through FHFA's receivership authority by liquidating assets or by transferring them to an LLRE, which would continue to operate the Enterprise's CBLs. Among other elements, this analysis would address: (1) Actions that the Enterprise could take to facilitate its rapid and orderly resolution, including those actions it plans to take and the time period for successfully executing them; (2) funding, liquidity, support functions, and other resources, mapped to the Enterprise's CBLs, including the amount of capital and capital-like instruments (such as subordinated debt, convertible debt, other contingent capital, mortgage insurance, and CRT transactions) available to absorb losses before imposing losses on creditors or investors, mapped to associated assets; (3) the Enterprise's strategy for maintaining and funding its CBLs when the Enterprise is becoming in danger of default or in default; (4) capital support that will be needed by an LLRE, both during its life and when its status as a ''limited-life'' regulated entity ends, to maintain market confidence; (5) the Enterprise's strategy in the event of a failure or discontinuation of a CBL (including an associated operation, service, function, or support that is critical to a CBL) and actions that could be taken to prevent or mitigate any adverse effects of such failure or discontinuation on the national housing finance markets; (6) how and the extent to which claims against the Enterprise by the Enterprise's creditors and counterparties would be satisfied in accordance with FHFA's regulation setting forth the priority of expenses and unsecured claims set forth at 12 CFR 1237.9, consistent with continuation of the Enterprise's CBLs by an LLRE; and (7) the Enterprise's strategy for transferring or unwinding qualified financial contracts, consistent with applicable statutory requirements.[21]

Each Enterprise's strategic plan would also be required to identify and describe potential material weaknesses or impediments to rapid and orderly resolution as conceived in its plan, and any actions or steps the Enterprise has taken or proposes to take, or actions or steps that other market participants could take, to address the identified weaknesses or impediments. The Enterprise would be required to include a timeline for such remedial or other mitigating actions that are under its control.

In addition to strategic analysis, the proposed rule set forth other information requirements for Enterprise resolution plans, including key information about the Enterprise's structure, governance, operations, business practices, financial responsibilities, and risk exposures. The proposed rule also addressed Enterprise development and maintenance of resolution-related capabilities to be assessed or verified periodically by FHFA that could generate, on a timely basis, critical information (*e.g.,* identification of key personnel) that FHFA would need as receiver to fulfill its statutory duties. Together, these components would help inform the immediate establishment of the LLRE to continue Enterprise business functions, including an informed division of assets and liabilities between the Enterprise

[19] *Compare,* 12 CFR 243.4(h)(2).

[20] 12 U.S.C. 1455(h)(2) and 1719(d).

[21] ''Qualified financial contracts'' are defined and the requirements for their transfer or unwinding are set forth at 12 U.S.C. 4617(d)(8) through (11).

receivership estate and a newly established LLRE.

Advance information, strategic analysis, and action, where appropriate, would also support other important goals of a rapid and orderly Enterprise resolution—to minimize disruption in the national housing finance markets, preserve Enterprise franchise and asset value, and ensure creditors bear losses in the order of their priority.[22] These goals work in concert, since a disruption of national housing finance markets also could increase costs to FHFA as receiver to the detriment of claimants on an Enterprise's receivership estate. Likewise, transparency in the Enterprises' resolution planning process, including a proposed requirement that each Enterprise resolution plan contain a ''public section'' that FHFA would publish, would further another important policy goal—fostering market discipline.

In addition to the substantive requirements of Enterprise resolution plans, the proposed rule addressed procedural requirements related to resolution planning, including the dates for submission of initial and subsequent resolution plans; FHFA review of and feedback on Enterprise resolution plans, including identification and notice of any deficiencies; requirements related to submission of revised resolution plans, to address identified deficiencies; the confidential treatment of all information that is not included in the plan's ''public'' section; and identification of the resolution planning rule as a prudential standard. In addition, FHFA clarified that neither the Enterprise resolution planning rule nor any resolution plan would give rise to rights of third parties and did not limit actions FHFA may take as receiver. FHFA retains all discretion conferred by statute or rule on the agency when acting as receiver for an Enterprise.

## II. Discussion of Comments and Agency Response

### *A. Overview of Comments Received*

FHFA received 14 comments on the proposed Enterprise resolution planning rule, which included comments from each Enterprise, the Mortgage Bankers Association, the American Bankers Association, the National Association of Home Builders, the Housing Policy Council, the National Association of Realtors, the Center for Responsible Lending, and the Heritage Foundation, as well as comments from five individuals including a former Chief Executive Officer of Freddie Mac. Most comments were supportive of resolution planning generally and many suggested areas where the proposed rule could be improved or clarified.

Many supportive comments expressed the view that efforts by FHFA to improve supervision of the Enterprises (as demonstrated through the recent Enterprise capital final rule, a recently proposed Enterprise liquidity rule, and this resolution planning rulemaking) did not obviate the need for housing finance reform legislation. Some comments focused considerable attention on elements for legislative reform, which are beyond the scope of FHFA rulemaking. Other commenters addressed the need for additional FHFA rulemaking in conjunction with resolution planning, such as a potential rule on total loss absorbing capacity (TLAC), which is also beyond the scope of this rulemaking.[23]

Comments received and FHFA's responses are summarized by topic below. In general, however, many commenters raised questions about FHFA's approach to support provided to the Enterprises through the PSPAs with Treasury. While most of these commenters generally supported FHFA's proposal to prohibit the Enterprises from assuming the provision or continuation of extraordinary government support, many requested clarification about what that assumption meant, in terms of how the Enterprises and the broader market *should* consider the existing PSPAs for purposes of Enterprise resolution planning. Commenters also addressed the proposed definition of ''core business line'' and the process for identifying CBLs; identification of impediments to rapid and orderly resolution; the benefit of a ''shortcomings'' category for supervisory concerns about a resolution plan that do not rise to the level of a ''deficiency''; reduction of burden; and some rule processes.

### *B. Purpose of the Rule; ''Rapid and Orderly'' Resolution*

*Priority of Objectives.* FHFA proposed to require the Enterprises to develop ''credible'' plans to facilitate their ''rapid and orderly resolution'' by FHFA as receiver, and proposed to define a ''credible'' plan in part as one that ''plausibly achieves'' the purpose of the rule.[24] The purpose of the rule, also set forth in the proposal, is to require each Enterprise to develop a resolution plan to facilitate its rapid and orderly resolution using FHFA's receivership authority in a manner that: (1) Minimizes disruption in the national housing finance markets by providing for the continued operation of the CBLs of the Enterprise in receivership by a newly constituted LLRE; (2) preserves the value of the Enterprise's franchise and assets; (3) facilitates the division of assets and liabilities between the LLRE and the receivership estate; (4) ensures that investors in mortgage-backed securities guaranteed by the Enterprises and in Enterprise unsecured debt bear losses in accordance with the priority of payments established in the Safety and Soundness Act, while minimizing unnecessary losses and costs to these investors; and (5) fosters market discipline by making clear that no extraordinary government support will be available to indemnify investors against losses or fund the resolution of an Enterprise.[25]

One commenter observed that the five objectives of Enterprise resolution planning could potentially be competing priorities. To assist the Enterprises in the development of ''credible'' plans, that commenter suggested FHFA should clarify the priority of the objectives. The commenter also advocated for the flexibility to submit a resolution plan with optional strategies that reflect relative weighting of the rule's objectives, because different, reasonable, strategies could provide optionality to FHFA in any receivership scenario. If optional strategies were provided in a resolution plan, FHFA could evaluate whether the Enterprise demonstrated ''that one strategy achieves such purposes *better* than the other reasonable strategies [it] analyzed.''

FHFA recognizes that there is some tension among the objectives set forth in the proposed rule. After consideration, however, FHFA has determined not to prioritize among them in this rulemaking. The priority of these objectives may change over time or in a particular resolution scenario, which argues against establishing a priority structure in a rule. FHFA also believes that, as drafted, the rule provides flexibility to an Enterprise to consider, offer, and explain prioritization of objectives, tradeoffs among the objectives that the Enterprise considered in proposing a resolution strategy or

[22] Advance action could include, for example, ensuring that certain arrangements (master netting agreements related to qualified financial contracts, for example) are resilient to the creation of and transfer of assets to an LLRE.

[23] As noted in the preamble to the proposed rule, FHFA is considering the utility of a separate rulemaking that would require each Enterprise to maintain minimum amounts of loss-absorbing capacity such as subordinated or convertible long-term debt. *See* 86 FR at 1329, n.26.

[24] *See* 12 CFR 1242.1, 1242.2, and 1242.4(a)(1), 86 FR at 1342–1344.

[25] *Id.,* 1242.1, 86 FR at 1342.

other choices reflected in its plan, and even optional strategies that reflect relative weighting of the rule's objectives. In such instances, the Enterprise's explanation would be helpful to FHFA in its understanding and review of submitted plans. More broadly, the rule permits optionality in the resolution planning process, which could result in plans that are more resilient and actionable under a range of possible circumstances.

''*Rapid and Orderly*'' *Standard.* FHFA proposed to require each Enterprise to develop resolution plans to facilitate its ''rapid and orderly'' resolution, and proposed to define ''rapid and orderly resolution'' as ''a process for establishing a [LLRE] as successor to the Enterprise under section 1367 of the Safety and Soundness Act (12 U.S.C 4617), including transferring Enterprise assets and liabilities to the [LLRE], such that succession by the [LLRE] can be accomplished promptly and in a manner that substantially mitigates the risk that the failure of the Enterprise would have serious adverse effects on national housing finance markets.'' [26] One commenter remarked that, as drafted, the definition of ''rapid and orderly resolution'' would apply to all aspects of resolution, where ''only certain . . . stages need to be conducted rapidly for an orderly resolution to occur, namely, the initial recapitalization and stabilization phase[s].'' In contrast, ''the claims process through a receivership will necessarily take . . . a longer period'' and imposing ''rapidity on these stages of the resolution would come at the expense of their orderliness, and could undermine the stability of the U.S. financial system.'' Another commenter opined that ''a rapid and orderly resolution is . . . unrealistic [and] FHFA should . . . work with other stakeholders, including Congress, to implement critical reforms to minimize the potential for market disruption in the event of an Enterprise's insolvency.''

FHFA agrees that conducting some stages of a resolution rapidly, or promptly, will facilitate an orderly resolution, while other stages—such as the claims process—could take longer to carry out. However, FHFA disagrees that the rule text as proposed must be changed to accommodate this distinction. As drafted, the rule definition of ''rapid and orderly resolution'' focuses on accomplishing succession by the LLRE promptly. More generally, FHFA intends the ''rapid and orderly'' standard to work in concert with the rule's purpose and objectives. In that light, while FHFA recognizes that not all steps in a resolution process may, or should, be taken with similar speed, FHFA also believes that no step in a ''rapid and orderly'' resolution would involve undue delay.

*C. Identification of Core Business Lines; Associated Operations and Services*

*Definition of* ''*Core Business Line.*'' FHFA proposed to require each Enterprise to make a preliminary identification of each ''core business line'' and provide notice of such identification to FHFA.[27] For this purpose, FHFA proposed to define ''core business line'' as ''a business line of the Enterprise that plausibly would continue to operate in a [LLRE], considering the purposes, mission, and authorized activities of the Enterprise as set forth in its authorizing statute and the Safety and Soundness Act [including] associated operations, services, functions, and supports necessary for any identified core business line to be continued.'' As examples of ''associated operations, services, functions, and supports,'' the proposed CBL definition listed ''servicing, credit enhancement, securitization support, information technology support and operations, and human resources and personnel.'' [28]

FHFA noted in the preamble to the proposed rule that the DFA section 165 and FDIC IDI resolution planning rules included the terms ''critical operations'' and ''critical services,'' respectively, which bank holding companies or insured depository institutions were required to identify in addition to their ''core business lines.'' [29] Considering the DFA section 165 rule definition of ''critical operations'' and the Enterprises' statutory purposes and mission, FHFA expressed the view that there would be alignment between the Enterprises' core business lines and their critical operations, such that there was no need to separately identify ''critical operations.'' Likewise, considering the FDIC IDI rule definition of ''critical services,'' FHFA reasoned that there would be alignment between such services and the ''associated operations, services, functions, and supports necessary for any identified core business line to be continued,'' which each Enterprise is required to identify for each of its CBLs. On that basis, FHFA determined that it was not necessary to require the Enterprises to separately identify their ''critical services.'' FHFA requested comment on its determination not to require identification of, or define, ''critical operations'' and ''critical services.'' [30]

Commenters generally agreed with FHFA's proposed approach to identification of Enterprise CBLs, noting that it is important to understand what business lines would be continued in the LLRE. One commenter called identification of CBLs ''the primary benefit . . . [of Enterprise resolution planning,]'' because it would provide notice of business lines that should be assumed by the LLRE to preserve a well-functioning market; and another commenter remarked that identification of CBLs would ''[m]ake clear to market participants and the public what the operational capabilities of the LLRE will be and what any changes or limitations will be, compared to pre-resolution operations.''

Some commenters agreed that separate identification of ''critical operations'' and ''critical services'' was not necessary and would not improve the rule. One commenter offered the opposite view that bifurcating the CBL definition ''between core business lines and critical services . . . [would] allow the Enterprises to more clearly map core business lines and critical services . . . [and] show what core business lines rely on each of the critical services.''

Another commenter addressed the scope of the CBL definition, to the effect that associated ''supports'' could cover third parties and, if CBLs were intended to be continued by the LLRE, then the proposed rule could imply that the Enterprise was responsible for the continuation of the third party itself. That commenter suggested FHFA clarify that ''resolution planning with respect to Third Parties would not impose obligations beyond a need to maintain resolution-friendly contracts and an ability to pay Third Parties to maintain access to critical outsourced services during resolution.'' To that end, the commenter also suggested clarifying that ''supports'' in the CBL definition did not include ''third parties'' and that FHFA ''include a definition of Third Parties to capture those external service providers necessary to support'' CBLs.

After considering these comments, FHFA does not believe that the rule should create separate categories for ''critical operations'' or ''critical services,'' because these concepts are already covered within the CBL definition. Likewise, FHFA does not believe that ''support'' should be removed from the CBL definition. The description of business activities associated with execution of a CBL, in

[26] *See* 12 CFR 1242.5(a), 86 FR at 1344.

[27] *See* 12 CFR 1242.3(a), 86 FR at 1343.

[28] *See* 12 CFR 1242.2, 86 FR at 1343.

[29] 86 FR at 1331.

[30] *Id.* at 1331–1332.

whatever manner those activities are carried out, was meant to be comprehensive, and creating segmentation in the rule—*e.g.,* removing supports provided by third parties from the CBL definition and creating a separate definition and process for ''third party'' identification—could undercut that comprehensive understanding.

Although FHFA is not changing the CBL definition, it should also be noted that the rule would not prevent an Enterprise, in developing its resolution plan, from characterizing some operations or services as ''critical,'' or from distinguishing services necessary for the continuation of a CBL in an LLRE provided by a third party from those provided by a business unit or affiliate. FHFA believes this approach—permitting the use of such categories without requiring it—creates flexibility for the Enterprises and reduces burden on the Enterprises and FHFA.

Finally, FHFA agrees that an Enterprise is not responsible for continuation in business of third parties that provide associated supports. Rather, an Enterprise resolution plan should address its strategy for ensuring the continuation of the business support that the third party provides, which is necessary to the continuation of the CBL. This may include renegotiating contracts with third-party providers to be more resolution-friendly, considering strategies for maintaining the ability to pay third parties during Enterprise resolution, and considering the ability of other parties to provide the same type of support and the feasibility of substitution.

*Process for Identifying ''Core Business Lines.''* The proposed rule set forth a process by which the Enterprises would make a preliminary identification of their CBLs, subject to FHFA review. Thereafter, FHFA would provide notice to each Enterprise of its CBLs.[31] The entire identification process would be completed within six months, with three months for Enterprise preliminary identification.[32]

Some commenters objected to FHFA's discretion to determine Enterprise CBLs, with one commenter remarking that it was unnecessary to have an Enterprise process for identification in light of FHFA's discretion, and intention, to determine CBLs. Instead, that commenter suggested that FHFA should determine Enterprise CBLs in consultation with the Enterprises, and the CBLs should be the same for each Enterprise. Two commenters opined that all Enterprise charter-compliant activities should be deemed CBLs. One commenter questioned whether three months was adequate for the Enterprises to complete their preliminary review, including engagement with senior management and their respective boards of directors. One commenter expressed support for FHFA's providing notice to each Enterprise of all CBLs identified or any removal of a CBL identification, across both Enterprises.

After considering these comments, FHFA is not changing the proposed process for identifying of CBLs. It is appropriate for FHFA to determine Enterprise CBLs, considering FHFA's statutory duties to ensure that the Enterprises meet their statutory purposes and that the LLRE established for an Enterprise in receivership preserves and continues the Enterprise's statutory function and mission in the housing finance market. However, given the Enterprises' greater understanding of their business operations, it is also appropriate for the Enterprises to identify associated operations, services, functions, and supports, which are included in the CBL definition.

FHFA does not agree that it should simply deem all charter-compliant activities to be CBLs. One purpose of the rule is to consider, and then identify, those Enterprise business lines that plausibly would continue to operate in an LLRE in light of the Enterprise's purposes, mission, and authorized activities. That purpose is not achieved by simply assuming that all charter-compliant activities are CBLs. While all CBLs transferred to the LLRE will be charter-compliant activities, not all charter-compliant activities may be identified as core.

At this time, FHFA is also not establishing a rule process or requirement for deeming a CBL at one Enterprise to be a CBL of the other Enterprise. While FHFA anticipates there will be substantial or even complete alignment of CBLs across the Enterprises, after additional consideration FHFA believes it would be appropriate to consider the CBLs of each Enterprise independently of the other, implementing the rule's CBL identification process, before making any decision that would require alignment.

Finally, FHFA does not propose to change the three-month time period for the Enterprises' initial preliminary identification of CBLs, because the Enterprises did not object to it. FHFA also notes that, after the Enterprises provide preliminary notices of identification to FHFA, there is an additional three-month period for FHFA to review each Enterprise's notice and follow up as appropriate. That second three-month period and the opportunity it creates for Enterprise and FHFA collaboration provide flexibility to ensure CBLs are identified within six months after the effective date of the rule.

*D. Content and Form of an Enterprise Resolution Plan*

*Prohibited Assumption of Extraordinary Government Support.* FHFA proposed to prohibit the Enterprises, when developing their resolution plans, from assuming ''the provision or continuation of extraordinary support by the United States to the Enterprise to prevent either its becoming in danger of default or in default (including, in particular, support obtained or negotiated on behalf of the Enterprise by FHFA in its capacity as supervisor, conservator, or receiver of the Enterprise, including the Senior Preferred Stock Purchase Agreements [PSPAs] entered into by FHFA and the U.S. Department of the Treasury on September 7, 2008 and any amendments thereto).''[33] This prohibition received a considerable amount of input from commenters.

Some commenters supported the proposed prohibited assumption, while others did not. Among the former, one commenter viewed it as ''critical'' that Enterprise resolution planning not include the support currently provided by the PSPAs. In contrast, another commenter viewed the ''the denial that the [PSPAs] for the [Enterprises] exist[ ] and can be relied upon, and . . . the requirement that the [Enterprises] plan to continue operations in receivership without that support, despite its being necessary and integral to their business model'' as ''fatal flaws'' that ''vitiate the entire rule.'' A third commenter called it ''impractical'' to require the Enterprises to ''continue operations in receivership without any government support.'' Some commenters suggested FHFA reserve authority to waive provisions of the rule and offered the treatment of the PSPAs as an example of an area where FHFA could use waiver authority. Similar comments suggested FHFA expressly retain discretion in the rule, such as discretion ''to permit, if FHFA deems it useful, the Enterprises to assume the continuation of the PSPAs on a transitional basis'' or, more pointedly, suggested that FHFA clarify that it ''retains the discretion to allow the Enterprises to assume the continuation of any government support

[31] *See* 12 CFR 1242.3(a)(1) and (3) and 1242.3(b), 86 FR at 1343.

[32] *Id.* 1242.3(a)(5) and (b)(1), 86 FR at 1343.

[33] *See* 12 CFR 1242.5(b)(2), 86 FR at 1344.

that is actually in place at least 12 months before each planned submission date.''

Commenters also raised questions or requested clarification about how the prohibited assumption, as related to the PSPAs, should be given effect when the Enterprises develop their resolution plans. One commenter interpreted the fact that PSPA support must be assumed away to mean that FHFA intended the Enterprises to plan for resolution after they had exited conservatorship and were well-capitalized, and asked FHFA to clarify that interpretation. Another commenter suggested that Enterprise resolution plans should reflect the Enterprise's actual assets and obligations at the time the plan is drafted and thus, ''[a]s long as . . . PSPA support continues to be available, a plan that assumes the opposite will be less useful in guiding the actual resolution.'' That commenter requested FHFA clarify that ''an Enterprise should not assume in its initial resolution plan a future state in which it is fully capitalized and released from conservatorship'' and that, for purposes of developing a resolution strategy, ''the PSPA support of the Enterprise's existing obligations continues to apply.''

Other commenters noted that the proposed rule clearly prohibited consideration of support provided by the PSPAs but did not address how the Enterprises should, or may, consider other aspects of the PSPAs, and thus needed clarification. One commenter identified ''potential . . . ambiguity regarding the scope of the assumption'' and suggested that the final rule clarify that the prohibited assumption ''means that the PSPAs would be assumed to have been terminated in their entirety . . . [leaving] no restrictions on the Enterprises' freedom to raise debt or equity or transfer all or any portion of their assets without the U.S. Treasury Department's consent, and that the senior preferred stock will have been retired at no additional cost to the Enterprises.'' That commenter opined that without such clarification, PSPA restrictions could operate as impediments to the rapid and orderly resolution of the Enterprises or to actions or steps designed to remediate other impediments. Another commenter requested FHFA to clarify that the rulemaking ''does not constitute any weakening—real or perceived—of the existing PSPAs,'' due to concern that the rule's prohibited assumption could cause investors to ''doubt the ongoing government support for the Enterprises and pull back from their participation in the secondary market.''

FHFA has carefully considered comments received on the proposed prohibited assumption and believes it should remain in the final rule as it was proposed, without change. One important purpose of the rule is to foster market discipline. The Enterprise charter acts make clear that they are private companies, and the Safety and Soundness Act makes no provision for funding a receivership. Statutory provisions clarify that neither the Enterprises themselves nor their securities or obligations are backed by the United States. Despite these provisions, investors, creditors, and others doing business with the Enterprises may perceive that the Enterprises have implicit United States government support. Financial support from the Treasury Department provided through the PSPAs, while explicitly limited to a finite amount of support and usable in receivership only for certain purposes, could encourage that perception.

To clarify the status of the Enterprises as privately owned corporations and to accurately reflect the provisions of the Enterprises' charter acts and the Safety and Soundness Act, FHFA sought to make explicit in the Enterprise resolution planning rule that, in drafting their resolution plans, each Enterprise should assume that no extraordinary government support would be available to prevent it from being placed into receivership, to indemnify investors against losses, or to fund its resolution. Changing the prohibited assumption as it relates to government support provided through the PSPAs would not be consistent with the policy of fostering market discipline. In addition, the support available under the PSPAs is finite in amount and cannot be replenished if drawn. There is no assurance that there would be any available capacity under the PSPA at the point in which an Enterprise is placed in receivership. FHFA believes it would be inconsistent with these limitations to allow the Enterprises to factor into their resolution plans—plans that are premised upon some future adverse event—any remaining PSPA support that might exist today.

Although FHFA is not changing the prohibition against assuming the provision or continuation of extraordinary government support, questions commenters raised about the treatment of other aspects of the PSPAs in Enterprise resolution planning should be addressed. The PSPAs do exist and they remain in effect. In prohibiting the Enterprises from assuming the provision of support through the PSPAs, FHFA does not intend the Enterprises to plan, today, for a future resolution that occurs after they are out of conservatorship and well-capitalized. Likewise, FHFA does not intend an Enterprise to assume that the PSPAs have been terminated in their entirety. Resolution plans that could result from either of those approaches could be conjectural and less useful to FHFA and the Enterprises, where more useful resolution plans will reflect the Enterprise's assets and obligations at the time the plan is developed.

For these reasons, while an Enterprise may not consider support provided by the PSPA in developing a resolution plan, an Enterprise may consider how other provisions of the PSPAs could impact resolution. An Enterprise may, for example, address constraints imposed by PSPA covenants, if appropriate within the context of the Enterprise's full plan. An Enterprise may also identify an aspect of or provision in a PSPA as an ''impediment'' to resolution or in association with an identified ''material weakness'' in the Enterprise's resolution plan, and such characterization would not, in itself, cause the resolution plan not to be ''credible.'' Other comments related to the identification of impediments in a resolution plan are addressed below.

Finally, FHFA interprets comments advocating for FHFA's reservation of discretion or express waiver authority regarding the assumption against extraordinary government support as comments calling for eliminating this assumption from the final rule. In that light, while it is appropriate to note that FHFA has retained general waiver authority in a separate rule,[34] and does have discretion to develop resolution planning scenarios for Enterprise consideration, FHFA does not now anticipate using its discretion or waiver authority to change such essential underpinnings of resolution planning as the prohibited assumption of the provision or continuation of extraordinary government support.

*Strategic Analysis; Identification of Impediments to Rapid and Orderly Resolution.* FHFA proposed to require each Enterprise resolution plan to include a strategic analysis that, among other things, would identify and describe ''[a]ny potential material weaknesses or impediments to rapid and orderly resolution as conceived in the Enterprise's plan'' and ''[a]ny actions or steps the Enterprise has taken or proposes to take, or which other market participants could take, to remediate or otherwise mitigate the

[34] *See* 12 CFR 1211.2(a).

weaknesses or impediments identified.'' The Enterprises would also be required to provide a timeline for planned remedial or mitigating actions.[35] As FHFA noted in the preamble to the proposed rule, FHFA did not anticipate that it would identify as deficiencies those impediments that an Enterprise would be reasonably unable to address or that it would be impracticable to change.[36] Moreover, a resolution plan could be deemed credible even if it identified impediments to rapid and orderly resolution.[37]

Commenters raised questions about the identification of impediments and remedial or mitigating actions. One commenter, for example, requested that FHFA clarify in the rule that examples of ''existing impediments'' listed in its comment letter ''and others similarly identified in the course of preparing the early resolution plan submissions'' would not be ''grounds for rejecting the Enterprises' resolution plans under FHFA's credibility standard.'' ''Existing impediments'' included: (1) An inability to satisfy current and future regulatory capital needs, including a projected resolution capital execution need, without relying on the PSPA or other government capital support; (2) an inability to impose losses on long-term debt without imposing them pro rata on their short-term creditors, counterparties of qualified financial contracts, and mortgage guarantee beneficiaries, given the unsubordinated nature of such long-term debt; (3) insufficient high-quality liquid assets to satisfy existing and future regulatory liquidity requirements and the projected resolution liquidity execution needs of an LLRE; and (4) PSPA restrictions on raising additional debt or equity, issuing subordinated debt, or transferring assets without U.S. Treasury consent.

FHFA believes furnishing a list of potential impediments in the rule is unnecessary to clarify that FHFA would not, solely on the basis of identifying such impediments in a resolution plan, deem the resolution plan to not be ''credible.'' The rule provides discretion to the Enterprises in identifying impediments. Provisions of the proposed rule on identification of impediments did not impose any requirements or constraints on the types of impediments an Enterprise could identify within a ''credible'' resolution plan. To the extent that ''existing impediments'' listed by the commenter could relate to or implicate provisions of the PSPAs, FHFA has expressly affirmed that such provisions could be identified as impediments in a resolution plan and would not cause the plan not to be ''credible,'' if appropriate in the context of the specific resolution plan.

One commenter requested that FHFA clarify that identification of impediments to rapid and orderly resolution in a resolution plan would not cause that plan not to be credible, *if* the Enterprise also identified actions that could be taken to remediate the impediment, explained why such actions are feasible and who is responsible for taking them, and provided a timeline for completing remedial actions the Enterprise planned to take. Three important result of resolution planning will be the identification of impediments, actions that can be taken to remediate them, and timelines for taking planned remedial actions. Taking such actions should improve the resolvability of the Enterprise in a manner that furthers the objectives of the rule. On the other hand, FHFA is not prepared to say that it will always be necessary to have a corresponding remedial action in order for identification of an impediment not to cause a plan to be not credible. Stated another way, FHFA does not believe that identification of an impediment without identifying a remedial action would always cause a plan not to be credible. If FHFA's view changes after gaining experience with Enterprise resolution planning, FHFA will consider whether the rule should be clarified as the commenter suggested.

In general, FHFA anticipates that, where an Enterprise can act to remediate an impediment, the Enterprise's resolution plan may provide relatively more specificity about planned remedial actions and timing for taking them. Where remediating an impediment may require action by others, less within the control of an Enterprise, relatively less detail may be appropriate and less detail would not, in itself, cause the plan not to be credible.

*FHFA Identification of a Resolution Strategy.* FHFA did not suggest or establish any resolution strategy in the proposed rule. Instead, the proposed rule reflected provisions of the Safety and Soundness Act that require FHFA, as receiver for an Enterprise, to establish an LLRE that ''by operation of law and immediately upon its organization . . . succeed[s] to the charter of the [Enterprise] and thereafter operate[s] in accordance with, and subject to, such charter, [the Safety and Soundness Act], and any other provision of law to which the [Enterprise] is subject'' except as otherwise provided in the Safety and Soundness Act.[38] One commenter suggested that FHFA establish ''a preferred resolution strategy or strategies to guide FHFA's actions in resolution and receivership . . . [to] provide clarity to the Enterprises, the market, and the public.'' That commenter also asked FHFA to confirm certain resolution ''mechanics:'' That the LLRE will be created at the outset of the receivership process; that the LLRE will be permitted to raise capital and debt financing; and that ''FHFA will proactively assist in identifying business areas that can be sold to an acquirer.''

After consideration, FHFA has not set forth a preferred resolution strategy in the rule. FHFA has refrained from doing so, in part, to encourage the Enterprises to consider any reasonable approaches to resolution, rather than preemptively focusing their efforts on a single resolution strategy that may not be appropriate to an Enterprise's particular circumstances. In addition, FHFA believes that the iterative process of reviewing the Enterprises' resolution plans could reveal benefits from one strategy over another, or demonstrate that one strategy is preferable to others in certain circumstances. In the future, if FHFA develops a preferred resolution strategy, FHFA may amend the resolution planning rule if FHFA determines it would be appropriate to include such a strategy.

FHFA also does not believe it is necessary to include the described ''mechanics'' in a resolution planning rule. In general, however, FHFA observes that, because the purpose of the LLRE is to continue CBLs of the Enterprise, it would be important to establish the LLRE at the outset of the receivership process. How an Enterprise's CBLs as continued in the LLRE would be funded is an issue each Enterprise is required to address in its resolution plan, and identification of business areas that could be sold to an acquirer will emerge through an understanding of areas that are *not* CBLs.

[35] 12 CFR 1242.5(d)(3), 86 FR at 1345.

[36] 86 FR at 1338.

[37] *Id.*

[38] 12 U.S.C. 4617(i)(2)(A); *see also* 12 CFR 1242.1(a)(1) and 1242.2, 86 FR at 1342–1343, requiring Enterprise plans for their ''rapid and orderly resolution'' by FHFA as receiver and defining ''rapid and orderly resolution'' as a process for establishing a limited-life regulated entity as successor to the Enterprise under section 1367 of the Safety and Soundness Act (12 U.S.C. 4617), including transferring Enterprise assets and liabilities to the limited-life regulated entity, such that succession by the limited-life regulated entity can be accomplished promptly and in a manner that substantially mitigates the risk that the failure of the Enterprise would have serious adverse effects on national housing finance markets.

*Development of a Plan Template; Reduction of Burden.* One commenter recommended that, in the future, FHFA provide ''a template for completing a resolution plan in accordance with the regulatory requirements'' as the FRB and FDIC have done for companies subject to the DFA section 165 rule. Having such a template would ''allow the Enterprises to more clearly understand plan requirements,'' ''facilitate FHFA's review of submitted plans,'' and ''minimize differences in the Enterprises' plans attributable to choices related to style and presentation.''

While FHFA agrees that a template for Enterprise resolution plans could provide consistency, FHFA believes it will be better able to assess the benefit of or need for a template, as well as its form, after gaining experience with reviewing Enterprise resolution plans. FHFA also believes that such a template could be provided through guidance in the future, without the need for an amendment to the resolution planning rule. For those reasons, FHFA is not establishing a template at this time.

Some commenters identified areas where changes to the form or content of resolution plans would make developing them less burdensome and possibly provide more relevant information to FHFA. One commenter suggested adding a ''materiality'' qualifier to rule requirements that the Enterprises list ''all affiliates and trusts within the Enterprise's organization;'' identify ''third-party providers with which the Enterprise has significant business connections;'' and analyze ''whether the failure of a third-party provider [to an Enterprise] would likely have an adverse impact on the Enterprise'' (*e.g.,* list ''material affiliates and trusts;'' identify ''material third-party providers;'' and require analysis of third-party failures likely to have a ''material'' adverse impact).[39] One commenter noted that the proposed rule permitted an Enterprise to incorporate by reference material from an earlier resolution plan into a later plan, and suggested permitting the Enterprises to incorporate ''information that is otherwise available to FHFA through existing supervisory mechanisms . . . such as the Enterprise Regulatory Capital Framework reports.'' Finally, a commenter suggested that FHFA consider allowing the Enterprises to develop ''targeted plans,'' similar to those described in the DFA section 165 rule, ''to increase efficiency.''

FHFA does not believe it has sufficient information at this time to add a materiality qualifier to information elements required from an Enterprise by the resolution planning rule, while still ensuring that FHFA receives sufficient information to understand and assess an Enterprise resolution plan (for example, how FHFA could quickly preserve and divide assets between the LLRE and the receivership estate). Likewise, FHFA is not inclined to expand the types of information that could be incorporated by reference at this time, due to concerns that a large amount of information incorporated by reference could make it harder to review, understand, and assess a resolution plan.

FHFA agrees that development of a resolution plan should not impose undue burden on an Enterprise or FHFA, however. To that end, FHFA is adding to the final rule a reservation of authority that will permit FHFA to tailor or adjust the scope or form of information required from the Enterprises, considering the significance of such information to FHFA when reviewing resolution plans, the appropriate level of detail of information, and reduction of burden on an Enterprise or FHFA. That provision will permit FHFA to tailor the scope of information requirements (including, for example, adding a ''materiality'' qualifier in the future), and to tailor the form of information required (including expanding the sources of information that can be incorporated by reference into a resolution plan).[40] Because this authority is reserved in the final rule, FHFA could provide guidance to the Enterprises making non-substantive adjustments to the scope and form of information required from them, without amending the final rule.[41]

Submission of targeted plans is a slightly different issue. Requiring targeted plans instead of full resolution plans in some cycles could be viewed as tailoring or adjusting the scope or form of information required from an Enterprise, and would reduce burden, and on that basis FHFA could address targeted plans through its reservation of authority. But FHFA is also aware that such plans are provided for in the DFA section 165 rule itself. FHFA has consciously worked to incorporate in the Enterprise resolution planning rule concepts that are similar to those addressed in the DFA section 165, to inform the public and other stakeholders of, and affirm, similarities in approach and process. Because the DFA section 165 rule includes a provision for targeted plans, it may be appropriate for FHFA to include such a provision in the Enterprise resolution planning rule, as well. FHFA will continue to consider the benefits provided by targeted plans, whether such plans would be appropriate for the Enterprises, and if so, whether it would be appropriate to provide for targeted plans through a rule amendment or through use of reserved authority to tailor the scope and form of information required in Enterprise resolution plans.

*Content of the Plan's Public Section.* As proposed, the rule would require the Enterprises to divide their resolution plans into a public section and a confidential section, with the two sections segregated and separately identified.[42] The proposal also listed required content of the public section, modeled on the DFA section 165 rule but tailored for the Enterprises' resolution plans.[43] FHFA intends the public section to make clear the assumptions pursuant to which the Enterprise drafted its resolution plan, including the assumption that no government support will be available to prevent the failure of an Enterprise or to fund its resolution, and to indicate the extent to which potential claims by creditors and counterparties against the Enterprise might be satisfied in a resolution, and priority of those claims. By providing the public with greater transparency about the satisfaction of potential claims and the manner in which those claims might be satisfied, FHFA believes publishing the public section of each Enterprise's resolution plan will foster market discipline by making clear to investors in Enterprise-guaranteed MBS and Enterprise debt that they should no longer rely on an implicit government guarantee and should price the risk of these investments accordingly.

Commenters were supportive of a public section but had differing views on its appropriate scope. One commenter, for example, suggested that the rule ''should provide a more extensive public section of the [Enterprises'] resolution plans than the large-bank resolution planning process produces.'' In addition, FHFA should require ''public notice of material

[39] *See* 12 CFR 1242.5(f)(1), (11), and (14); 86 FR at 1345–1346.

[40] To better understand the types and sources of information an Enterprise may wish to incorporate by reference, FHFA invites the Enterprises to identify information in their resolution plans that they would have incorporated by reference but for the limited authority to do so, and the source that would have been referenced.

[41] Substantive changes to the rule would be made in compliance with the Administrative Procedure Act, 5 U.S.C. 553.

[42] *See* 12 CFR 1242.6(a)(1), 86 FR at 1346.

[43] *Id.,* 1242.6(a)(2).

changes to [Enterprise] operations, corporate structures, capabilities, etc. that result or will result from their resolution planning.'' In contrast, another commenter remarked that the scope of the public section should ''be relatively limited in order to allow more candid disclosure and discussion in the comprehensive confidential section of a resolution plan.'' That commenter also requested FHFA clarify that information on specific service providers or counterparties would not be shared in the public section, as public disclosure of key third-party relationships could impact Enterprise commercial relationships.

FHFA does not plan to change the scope of the public section of an Enterprise resolution plan at this time, and is not requiring additional public notice of material changes to Enterprise operations, organization, or capability that result or could result from resolution planning. FHFA expects to work with the Enterprises when developing their initial public sections, to ensure appropriate information, with an appropriate level of detail, is made available to the public, while balancing the need for candor and to preserve confidentiality of some information. Regarding public identification of key third-party relationships specifically, FHFA notes that the rule does not require these to be disclosed.

*E. Timing of Plan Submission; Interim Updates*

FHFA proposed to require the Enterprises to submit their initial resolution plans roughly two years after the effective date of the final rule, and to require resolution plans to be submitted every two years thereafter.[44] FHFA also retained authority to require submission on a date different from that established though the rule, in part to avoid requiring resolution plans to be submitted in the fourth quarter, due to other end-of-year reporting obligations, if, based on the date of finalizing the rule, resolutions plans would otherwise be due then.[45]

Commenters generally supported the flexibility provided by FHFA's reservation of authority to adjust submission dates. One commenter noted that the DFA section 165(d) rule provides similar flexibility but requires the FRB and FDIC to provide notice of an adjusted submission date at least 12 months in advance of the new due date.[46] That commenter suggested FHFA add a similar timing-of-notice provision to its rule. FHFA agrees that notice of an adjusted submission date should be provided reasonably in advance of the adjusted date, and adding such a notice requirement to the rule would make it more transparent. Thus, FHFA has added a rule requirement that it provide the Enterprises with 12 months' notice in advance of the new submission date.

FHFA also proposed to require the Enterprises to submit interim updates to resolution plans ''within a reasonable time, as determined by FHFA.''[47] One commenter suggested FHFA provide a specific time period, such as six months, for an Enterprise to respond to any request for an interim update.

Although FHFA agrees that the Enterprises should be provided a reasonable period to prepare interim updates, FHFA does not believe the rule should state a period because what is a ''reasonable'' timeframe for preparation will necessarily depend upon the scope of the update requested. FHFA expects to engage with an Enterprise subject to an interim update request on a reasonable period for preparing the update, prior to establishing a submission date.

*F. FHFA Identification of Deficiencies and Shortcomings*

FHFA proposed to identify and provide notice to an Enterprise of any ''deficiencies'' in its resolution plan, which the Enterprise would then be required to address in a revised resolution plan.[48] FHFA noted that the DFA section 165 rule also includes ''shortcomings'' as a second, lesser, category for identified supervisory concerns, and asked if that category should be included in FHFA's rule.[49] In the DFA section 165 rule, identification of a ''shortcoming'' does not trigger the need to submit a revised plan, but companies are expected to address shortcomings in their next resolution plans, and a shortcoming that is not addressed may be identified as a deficiency in a later plan.

One commenter responded that a rule category for ''shortcomings'' could ''reduce potential ambiguity regarding the level of Enterprise action necessary to respond.'' If ''shortcomings'' are addressed in the rule, then a concern categorized as a ''shortcoming'' may receive more Enterprise resources (funding and staff time) to remediate, which could be helpful to Enterprise efforts to prioritize and focus appropriate attention.

FHFA found the response related to the potential value of a ''shortcomings'' category persuasive and so has added it to the final rule, along with a definition of ''shortcoming'' that is modeled on the definition of ''shortcoming'' in the DFA section 165 rule. Also in line with that rule, FHFA has included provisions to the effect that an unaddressed shortcoming may become a deficiency, and that it is not necessary for FHFA to identify an aspect of a plan as a shortcoming in order to identify it as a deficiency in a later plan.

*G. Timing of FHFA Feedback; Provision of Formal Guidance*

FHFA proposed to provide feedback to the Enterprises within one year after receiving complete resolution plans.[50] One commenter requested that FHFA commit to providing feedback not less than 12 months before the filing date of the next plan and to providing the Enterprises ''with more than half of the total plan cycle time to respond.''

FHFA intends to provide timely feedback to the Enterprises on their resolution plans and established a benchmark of not later than one year after plans have been submitted in the proposed rule. FHFA proposed to require the Enterprises to provide revised resolution plans addressing any deficiency identified by FHFA within 90 days of receiving notice of deficiency from FHFA. Other matters of concern, including identified shortcomings, may not require half of the total plan cycle for response, and committing to that timing in the final rule would likely result in the submission and review cycle longer than the biennial cycle FHFA desires. For these reasons, FHFA has not amended the rule text on timing of FHFA feedback or Enterprise responses.

Apart from feedback provided directly to an Enterprise on a specific resolution plan, commenters also addressed more general FHFA guidance on resolution planning. Commenters approved FHFA's view, stated in the preamble to the proposed rule, that resolution planning was an iterative process that would include guidance to the Enterprises.[51] One commenter encouraged FHFA to consider providing public notice of and soliciting comment on formal guidance, similar to the process the FDIC and FRB have undertaken with guidance on the DFA section 165 rule, ''to engage the public and obtain input from interested stakeholders and to promote transparency in the resolution planning

[44] *See* 12 CFR 1242.4(a)(1), 86 FR at 1344.

[45] 12 CFR 1242.4(a)(2), 86 FR at 1344.

[46] *Cf.* 12 CFR 243.4(d)(2).

[47] 12 CFR 1242.4(a)(3), 86 FR at 1344.

[48] *See* 12 CFR 1242.7(b), 86 FR at 1347.

[49] *See* 86 FR at 1338.

[50] *See* 12 CFR 1242.7(b)(1)(iii), 86 FR at 1347.

[51] *See* 86 FR at 1330, 1331, and 1339.

process.'' FHFA sees the potential value of a public notice and comment process for formal guidance and will consider the appropriate process for developing guidance, including public engagement, in the future. No change to the rule is necessary in order for FHFA to develop an appropriate process for providing guidance to the Enterprises.

*H. Comments Beyond the Scope of the Rule*

Several commenters addressed subjects that were beyond the scope of the proposed rule. These included comments on the need for a separate FHFA rulemaking requiring or permitting the Enterprises to issue long-term subordinated debt, commonly known as ''total loss absorbing capacity'' or TLAC, as a means of facilitating the rapid and orderly resolution of an Enterprise. In the proposed rule, FHFA acknowledged that if a TLAC requirement were to be imposed on the Enterprises, such a requirement would be the subject of a separate rulemaking.[52]

Another commenter, generally opposed to Enterprise resolution planning, opined that instead of resolution planning FHFA should prioritize strengthening the Enterprises' affordable housing goals. Enterprise housing goals are beyond the scope of the proposed rule.

Other commenters addressed subjects that are beyond FHFA's authority, even if they related to Enterprise resolution planning. For example, several commenters remarked on the continuing need for housing finance reform, with one commenter expressing the view that the possibility of the market disruption that would result if either Enterprise were placed in receivership, regardless of how much resolution planning had taken place, simply underscored the need for comprehensive housing finance system reform legislation. Other commenters stated, or implied, that issues or concerns they identified as related to the proposed rule were actually the result of current statutory requirements. One commenter noted that while FHFA's proposal would carry out the law as written, trying to resolve an Enterprise in the manner required by current law would risk systemic disruption.

Another commenter suggested that the Financial Stability Oversight Council should designate the Enterprises as Systemically Important Financial Market Utilities (SIFMUs) pursuant to title VIII of the Dodd-Frank Act, and after that, FHFA should ''reevaluate the statutory basis for oversight of the [Enterprises] in light of [DFA] section 804 and the benefits of SIFMU status.'' That commenter did not elaborate on how such a designation would enhance the financial stability, resiliency, or resolvability of the Enterprises. Similar to housing finance reform, designation of the Enterprises as SIFMUs is outside of FHFA's authority.

Because these comments did not address the text of the proposed rule or subjects within the scope of the proposed rule, FHFA did not consider them in promulgating the final rule.

## III. Summary of Changes to the Final Rule

*A. Section 1242.4(a)(2), Altering Submission Dates*

In response to comments, FHFA has added a provision requiring FHFA, when altering a submission date, to provide an Enterprise notice of the altered date at least 12 months before the submission is due to FHFA. This change will ensure the Enterprises have adequate time to prepare resolution plans and aligns this aspect of FHFA's resolution planning rule with a similar provision in the DFA section 165 rule.

*B. Section 1242.5(a), Reservation of Authority To Tailor Submission Requirements*

In response to comments, FHFA has added a limited reservation of authority to tailor rule requirements on the required form or content of resolution plans, to reduce burden on the Enterprises or FHFA. With this authority FHFA could make non-substantive changes to Enterprise resolution plan form and content requirements without amending the rule itself, which would enhance the efficiency of FHFA's response to rule-imposed burdens.

*C. Section 1242.7(b), Addition of a ''Shortcomings'' Category*

In response to comments, FHFA has added a category of ''shortcomings'' for supervisory concerns identified when reviewing Enterprise resolution plans that do not rise to the level of ''deficiencies,'' but that should be addressed in the Enterprise's next resolution plan. While this rule change was not necessary to permit categorization of supervisory concerns or the supervisory requirement that such concerns be addressed, a rule category for ''shortcomings'' could assist an Enterprise when determining the priority and resources appropriate for its follow-up actions. In addition, these provisions align FHFA's resolution planning rule with the DFA section 165 rule.

## IV. Regulatory Analyses

*A. Paperwork Reduction Act*

The final rule does not contain any information collection requirement that would require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to OMB for review.

*B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities must include an analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the final rule under the Regulatory Flexibility Act. The General Counsel of FHFA certifies that this final rule will not have a significant economic impact on a substantial number of small entities because the regulation applies only to the Enterprises, which are not small entities for purposes of the Regulatory Flexibility Act.

*C. Congressional Review Act*

In accordance with the Congressional Review Act (5 U.S.C. 801 *et seq.*), FHFA has determined that this final rule is a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

**List of Subjects in 12 CFR Part 1242**

Administrative practice and procedure, Government-sponsored enterprises, Reporting and record keeping requirements, Securitizations.

**Authority and Issuance**

■ For the reasons stated in the preamble, under the authority of 12 U.S.C. 4511, 4513, and 4526, FHFA amends chapter XII of title 12 of the Code of Federal Regulations by adding new part 1242 to subchapter C to read as follows:

**CHAPTER XII—FEDERAL HOUSING FINANCE AGENCY**

**SUBCHAPTER C—ENTERPRISES**

## PART 1242—RESOLUTION PLANNING

Sec.
1242.1 Purpose; identification as a prudential standard.

[52] *See* 86 FR at 1329, n. 26.

1242.2 Definitions.
1242.3 Identification of core business lines.
1242.4 Credible resolution plan required; other notices to FHFA.
1242.5 Informational content of a resolution plan; required and prohibited assumptions.
1242.6 Form of resolution plan; confidentiality.
1242.7 Review of resolution plans; resubmission of deficient resolution plans.
1242.8 No limiting effect or private right of action.

**Authority:** 12 U.S.C. 4511; 12 U.S.C. 4513; 12 U.S.C. 4513b; 12 U.S.C. 4514; 12 U.S.C. 4517; 12 U.S.C. 4526; and 12 U.S.C. 4617.

### § 1242.1 Purpose; identification as a prudential standard.

(a) *Purpose.* The purpose of this part is to require each Enterprise to develop a plan for submission to FHFA that would assist FHFA in planning for the rapid and orderly resolution of an Enterprise using FHFA's receivership authority at 12 U.S.C. 4617, in a manner that:

(1) Minimizes disruption in the national housing finance markets by providing for the continued operation of the core business lines of an Enterprise in receivership by a newly constituted limited-life regulated entity;

(2) Preserves the value of an Enterprise's franchise and assets;

(3) Facilitates the division of assets and liabilities between the limited-life regulated entity and the receivership estate;

(4) Ensures that investors in mortgage-backed securities guaranteed by the Enterprises and in Enterprise unsecured debt bear losses in accordance with the priority of payments established in the Safety and Soundness Act while minimizing unnecessary losses and costs to these investors; and

(5) Fosters market discipline by making clear that no extraordinary government support will be available to indemnify investors against losses or fund the resolution of an Enterprise.

(b) *Identification as a prudential standard; effect of identification.* This part is a prudential standard pursuant to section 1313B of the Safety and Soundness Act, 12 U.S.C. 4513b, and is subject to 12 CFR part 1236. In its discretion, FHFA may deem:

(1) The determination of a deficiency in a resolution plan; or

(2) The failure to undertake actions or changes identified by FHFA in the notice provided pursuant to § 1242.7(b)(1), to be a failure to meet a standard for purposes of § 1236.4 of this chapter. In its discretion, FHFA may also deem a revised, resubmitted resolution plan to be a corrective plan for purposes of § 1236.4 of this chapter.

### § 1242.2 Definitions.

Unless otherwise indicated, terms used in this part have the meanings that they have in 12 CFR part 1201 and in the Federal Housing Enterprises Financial Safety and Soundness Act (12 U.S.C. 4501 *et seq.*).

*Core business line* means a business line of the Enterprise that plausibly would continue to operate in a limited-life regulated entity, considering the purposes, mission, and authorized activities of the Enterprise as set forth in its authorizing statute and the Safety and Soundness Act. *Core business line* includes associated operations, services, functions, and supports necessary for any identified core business line to be continued, such as servicing, credit enhancement, securitization support, information technology support and operations, and human resources and personnel.

*Credible,* with regard to a resolution plan, means a resolution plan that:

(1) Demonstrates consideration of required and prohibited assumptions set forth at § 1242.5(b);

(2) Provides strategic analysis and detailed information as required by § 1242.5(c) through (g) that is well-founded and based on information and data related to the Enterprise that are observable or otherwise verifiable and employ reasonable projections from current and historical conditions within the broader financial markets; and

(3) Plausibly achieves the purposes of § 1242.1(a).

*Material change* means an event, occurrence, change in conditions or circumstances, or other change that results in, or could reasonably be foreseen to have, a material effect on:

(1) The resolvability of the Enterprise;

(2) The Enterprise's resolution strategy; or

(3) How the Enterprise's resolution plan is implemented. Material changes may include the identification of a new core business line or significant increases or decreases in business, operations, funding, or interconnections.

*Rapid and orderly resolution* means a process for establishing a limited-life regulated entity as successor to the Enterprise under section 1367 of the Safety and Soundness Act (12 U.S.C 4617), including transferring Enterprise assets and liabilities to the limited-life regulated entity, such that succession by the limited-life regulated entity can be accomplished promptly and in a manner that substantially mitigates the risk that the failure of the Enterprise would have serious adverse effects on national housing finance markets.

### § 1242.3 Identification of core business lines.

(a) *Enterprise preliminary identification; notice to FHFA; timing.* (1) Each Enterprise shall conduct periodic reviews of its business lines to identify core business lines, consistent with the requirements of paragraph (a)(2) of this section.

(2) Each Enterprise shall establish and implement a process to identify each of its core business lines. The process shall include a methodology for evaluating the Enterprise's participation in activities and markets that may be critical to the stability of the national housing finance markets or carrying out the statutory mission and purpose of the Enterprise. The methodology shall be designed, taking into account the nature, size, complexity, and scope of the Enterprise's operations, to identify and assess:

(i) The markets and activities in which the Enterprise participates or has operations;

(ii) The significance of those markets and activities with respect to the national housing finance markets or the Enterprise's obligation to carry out its statutory mission and purpose; and

(iii) The significance of the Enterprise as a provider or other participant in those markets and activities.

(3) Enterprise identification of any business line as a core business line is preliminary and is subject to review by FHFA. Each Enterprise must provide a notice of its preliminary identification of core business lines to FHFA, including a description of its methodology and the basis for identification of each core business line.

(4) The board of directors of the Enterprise shall approve each notice of preliminary identification of core business lines before submission to FHFA, with such approval noted in board minutes.

(5) Each Enterprise must conduct its initial identification process and submit its initial identification of core business lines to FHFA by the date that is three months after the effective date of the final rule. Thereafter, each Enterprise shall conduct periodic identification processes, determining the timing of each periodic process to ensure that the process for identification, including FHFA review and determination required by paragraph (b) of this section, can be complete in sufficient time for each succeeding required resolution plan to include the information required under § 1242.5 for each core business line. FHFA may also direct an Enterprise as to the timeframe for conducting any subsequent identification process.

(6) Each Enterprise must periodically review its identification process and update it as necessary to ensure its continued effectiveness.

(b) *FHFA identification of core business lines; notice to an Enterprise; timing of inclusion in resolution plan.* (1) Within three months of receiving an Enterprise notice of the preliminary identification of a business line as a core business line, FHFA will provide notice to the Enterprise of its determination of each core business line. FHFA may also identify operations, services, functions, or supports associated with any core business line.

(2) FHFA may identify any business line of the Enterprise as a core business line, considering factors set forth in paragraph (a)(2) of this section or any other factor FHFA deems appropriate, following review of an Enterprise notice of preliminary identification or at any other time, on written notice to an Enterprise.

(3) If FHFA identifies a core business line under paragraph (b)(2) of this section, an Enterprise is not required to include that core business line in a resolution plan if that plan is due within six months after the Enterprise receives notice of identification from FHFA.

(c) *Reconsideration of business line identification*—(1) *Reconsideration initiated by an Enterprise.* (i) An Enterprise may request that FHFA reconsider the identification under paragraph (a) or (b) of this section, by submitting a written request to FHFA that includes a clear and complete statement of all arguments and all material information that the Enterprise believes is relevant to reconsideration as a core business line.

(ii) The board of directors of the Enterprise shall approve each request for reconsideration of identification before submission to FHFA, with such approval noted in board minutes.

(iii) FHFA will respond to an Enterprise request for reconsideration within three months after the date on which a complete request is received.

(2) *Reconsideration initiated by FHFA.* FHFA may reconsider the identification of any business line, including reconsideration of any operation, service, function, or support, at any time and in its discretion, on written notice to an Enterprise.

(3) *FHFA notice of reconsideration.* FHFA will provide a notice of reconsideration to the affected Enterprise, stating the results of the reconsideration. If FHFA determines to change an identification, such notice may also provide an effective date or other delaying or triggering condition for the change to become effective.

(4) *Effect of reconsideration.* For purposes of Enterprise resolution plans, identification as a core business line continues in effect until any notice of reconsideration removing such identification becomes effective.

**§ 1242.4 Credible resolution plan required; other notices to FHFA.**

(a) *Credible resolution plan required; frequency and timing of plan submission*—(1) *Credible resolution plan required; resolution plan submission dates.* Each Enterprise is required to submit a credible resolution plan to FHFA in accordance with frequency and timing requirements established by FHFA. Each Enterprise is required to submit its initial resolution plan 18 months after the date on which it is required to submit its initial notice preliminarily identifying core business lines to FHFA in accordance with § 1242.3(a)(2). Thereafter, each Enterprise shall submit a resolution plan to FHFA not later than two years following the submission date for the prior resolution plan, unless otherwise notified by FHFA in accordance with paragraph (a)(2) of this section.

(2) *Altering submission dates.* Notwithstanding anything to the contrary in this part, FHFA may determine that an Enterprise shall submit its resolution plan on a date different from any date provided in paragraph (a)(1) of this section, which may be before or after any date so established. FHFA shall provide an Enterprise with written notice of a determination under this paragraph (a)(2) no later than 12 months before the date by which the Enterprise is required to submit the resolution plan.

(3) *Interim updates.* FHFA may require that an Enterprise submit an update to a resolution plan submitted under this part, within a reasonable time, as determined by FHFA. FHFA shall notify the Enterprise of its requirement to submit an update under this paragraph (a)(3) in writing and shall specify the portions or aspects of the resolution plan the Enterprise shall update. Submission of an interim update does not affect the date for submission of a resolution plan, unless otherwise notified by FHFA in accordance with paragraph (a)(2) of this section.

(b) *Notice of extraordinary events; inclusion in next resolution plan.* Each Enterprise shall provide FHFA with a notice no later than 45 days after any material change, merger, reorganization, sale or divestiture of a business unit or material assets, or similar transaction, or any fundamental change to the Enterprise's resolution strategy. Such notice must describe such extraordinary event and explain how it may plausibly affect the resolution of the Enterprise. The Enterprise shall address any such extraordinary event with respect to which it has provided notice pursuant to this paragraph (b) in the next resolution plan submitted by the Enterprise, provided that plan is required to be submitted more than 90 days after submission of the notice of an extraordinary event to FHFA.

(c) *Board of directors' approval of resolution plan.* The board of directors of the Enterprise shall approve each resolution plan (including any revised resolution plan) before submission to FHFA, with such approval noted in board minutes.

(d) *Point of contact.* Each Enterprise shall identify an Enterprise senior management official and position responsible for serving as a point of contact regarding the resolution plan.

(e) *Incorporation of previously submitted resolution plan information by reference.* Any resolution plan submitted by an Enterprise may incorporate by reference information from a prior resolution plan submitted to FHFA, provided that:

(1) The resolution plan seeking to incorporate information by reference clearly indicates:

(i) The information the Enterprise is incorporating by reference; and

(ii) Which of the Enterprise's previously submitted resolution plan(s) originally contained the information the Enterprise is incorporating by reference, including the specific location of that information in the previously submitted resolution plan; and

(2) The information the Enterprise is incorporating by reference remains accurate in all respects that are material to the Enterprise's resolution plan.

(f) *Extensions of time.* Upon its own initiative or a written request by an Enterprise, FHFA may extend any time period under this part. Each extension request by an Enterprise shall be supported by a written statement describing the basis and justification for the request.

**§ 1242.5 Informational content of a resolution plan; required and prohibited assumptions.**

(a) *In general.* An Enterprise resolution plan shall reflect required and prohibited assumptions specified in paragraph (b) of this section and include information specified in paragraphs (c) through (h) of this section, as well as analysis, in detail, to facilitate a rapid and orderly resolution of the Enterprise

by FHFA as receiver in a manner that minimizes the risk that resolution of an Enterprise would have serious adverse effects on the national housing finance markets, and to the extent possible, the amount of any losses to be realized by the Enterprise's creditors. Notwithstanding anything to the contrary in this part, FHFA may adjust or tailor the scope or form of information specified in paragraphs (c) through (g) of this section, as FHFA determines appropriate considering the significance of such information to FHFA when reviewing resolution plans, the appropriate level of detail of information, and reduction of burden on an Enterprise or FHFA.

(b) *Required and prohibited assumptions when developing a resolution plan.* In developing a resolution plan, each Enterprise shall:

(1) Take into account that receivership of the Enterprise may occur under the severely adverse economic conditions provided to the Enterprise by FHFA in conjunction with any stress testing required or in another scenario provided by FHFA;

(2) Not assume the provision or continuation of extraordinary support by the United States to the Enterprise to prevent either its becoming in danger of default or in default (including, in particular, support obtained or negotiated on behalf of the Enterprise by FHFA in its capacity as supervisor, conservator, or receiver of the Enterprise, including the Senior Preferred Stock Purchase Agreements entered into by FHFA and the U.S. Department of the Treasury on September 7, 2008 and any amendments thereto); and

(3) Reflect statutory provisions that obligations and securities of the Enterprise issued pursuant to its authorizing statute, together with interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or any agency or instrumentality thereof other than the Enterprise.

(c) *Executive summary.* Each resolution plan of an Enterprise shall include an executive summary describing:

(1) Summary of the key elements of the Enterprise's strategic analysis;

(2) A description of each material change experienced by the Enterprise since submission of the Enterprise's prior resolution plan (or affirmation that no such change has occurred);

(3) Changes to the Enterprise's previously submitted resolution plan resulting from any:

(i) Change in law or regulation;

(ii) Guidance or feedback from FHFA; or

(iii) Material change described pursuant to paragraph (c)(2) of this section; and

(4) Any actions taken by the Enterprise since submitting its prior resolution plan to improve the effectiveness of the resolution plan or remediate or otherwise mitigate any material weaknesses or impediments to a rapid and orderly resolution.

(d) *Strategic analysis.* Each resolution plan shall include a strategic analysis describing the Enterprise's plan for facilitating its rapid and orderly resolution by FHFA. Such analysis shall:

(1) Include detailed descriptions of—

(i) Key assumptions and supporting analysis underlying the resolution plan, including any assumptions made concerning the economic or financial conditions that would be present at the time resolution would occur;

(ii) Actions, or ranges of actions, which if taken by the Enterprise could facilitate a rapid and orderly resolution and those actions that the Enterprise intends to take;

(iii) The corporate governance framework that supports determination of the specific actions to be taken to facilitate a rapid and orderly resolution as the Enterprise is becoming in danger of default (including identifying the senior management officials responsible for making those determinations and taking those actions);

(iv) Funding, liquidity, and capital needs of, and resources and loss absorbing capacity available to, the Enterprise, which shall be mapped to its core business lines, in the ordinary course of business and in the event the Enterprise becomes in danger of default or in default;

(v) Considering the Enterprise's core business lines, a strategy for identifying assets and liabilities of the Enterprise to be transferred to a limited-life regulated entity; and for transferring operations of, and funding for, the Enterprise to a limited-life regulated entity, which shall be mapped to core business lines;

(vi) A strategy for preventing the failure or discontinuation of each core business line and its associated operations, services, functions, or supports as the core business line is transferred to a limited-life regulated entity, and actions that, in the Enterprise's view, FHFA could take to prevent or mitigate any adverse effects of such failure or discontinuation on the national housing finance markets;

(vii) A strategy for mitigating the effect on the Enterprise of another Enterprise becoming in danger of default or in default, on the continuation of each of the Enterprise's core business lines and its associated operations, services, functions, or supports as any assets or operations of the other Enterprise are transferred to the Enterprise;

(viii) The extent to which claims against the Enterprise by creditors and counterparties would be satisfied in accordance with § 1237.9 of this chapter and the manner and source of satisfaction of those claims consistent with the continuation of the Enterprise's core business lines by the limited-life regulated entity; and

(ix) A strategy for transferring or unwinding qualified financial contracts, as defined at 12 U.S.C. 4617(d)(8)(D)(i), in a manner consistent with 12 U.S.C. 4617(d)(8) through (11);

(2) Identify the time period(s) the Enterprise expects would be needed to successfully execute each action identified in paragraph (d)(1)(ii) of this section to facilitate rapid and orderly resolution, and any impediments to such actions;

(3) Identify and describe—

(i) Any potential material weaknesses or impediments to rapid and orderly resolution as conceived in the Enterprise's plan;

(ii) Any actions or steps the Enterprise has taken or proposes to take, or which other market participants could take, to remediate or otherwise mitigate the weaknesses or impediments identified by the Enterprise; and

(iii) A timeline for the remedial or other mitigating action that the Enterprise proposes to take; and

(4) Provide a detailed description of the processes the Enterprise employs for—

(i) Determining the current market values and marketability of the core business lines and material asset holdings of the Enterprise;

(ii) Assessing the feasibility of the Enterprise's plans (including timeframes) for executing any sales, divestitures, restructurings, recapitalizations, or other similar actions contemplated in the Enterprise's resolution plan; and

(iii) Assessing the impact of any sales, divestitures, restructurings, recapitalizations, or other similar actions on the value, funding, and operations of the Enterprise and its core business lines.

(e) *Corporate governance relating to resolution planning.* Each resolution plan shall:

(1) Include a detailed description of—

(i) How resolution planning is integrated into the corporate governance

structure and processes of the Enterprise;

(ii) The process for identifying core business lines, including a description of the Enterprise's methodology considering the requirements of § 1242.3(a);

(iii) Enterprise policies, procedures, and internal controls governing preparation and approval of the resolution plan; and

(iv) The nature, extent, and frequency of reporting to Enterprise senior executive officers and the board of directors regarding the development, maintenance, and implementation of the Enterprise's resolution plan;

(2) Provide the identity and position of the Enterprise senior management official primarily responsible for overseeing the development, maintenance, implementation, and submission of the Enterprise's resolution plan and for the Enterprise's compliance with this part;

(3) Describe the nature, extent, and results of any contingency planning or similar exercise conducted by the Enterprise since the date of the Enterprise's most recently submitted resolution plan to assess the viability of or improve the resolution plan of the Enterprise; and

(4) Identify and describe the relevant risk measures used by the Enterprise to report credit risk exposures both internally to its senior management and board of directors, as well as any relevant risk measures reported externally to investors or to FHFA.

(f) *Organizational structure, interconnections, and related information.* Each resolution plan shall:

(1) Provide a detailed description of the Enterprise's organizational structure, including—

(i) A list of all affiliates and trusts within the Enterprise's organization that identifies for each affiliate and trust (legal entity), the following information (provided that, where such information would be identical across multiple legal entities, it may be presented in relation to a group of identified legal entities):

(A) The percentage of voting and nonvoting equity of each legal entity listed; and

(B) The location, jurisdiction of incorporation, licensing, and key management associated with each material legal entity identified;

(ii) A mapping of the Enterprise's operations, services, functions, and supports associated with each of its core business lines, identifying—

(A) The entity, including any third-party providers, responsible for conducting each associated operation or service that supports the functioning of each core business line as well as the Enterprise's material asset holdings; and

(B) Liabilities related to such operations, services, and core business lines;

(2) Provide an unconsolidated balance sheet for the Enterprise and a consolidating schedule for all securitization trusts consolidated by the Enterprise;

(3) Provide a schedule showing all assets and liabilities of unconsolidated Enterprise securitization trusts;

(4) Include a description of the material components of the liabilities of the Enterprise and each identified core business line that, at a minimum, separately identifies types and amounts of the short-term and long-term liabilities, secured and unsecured liabilities, and subordinated liabilities;

(5) Identify and describe the processes used by the Enterprise to—

(i) Determine to whom the Enterprise has pledged collateral;

(ii) Identify the person or entity that holds such collateral; and

(iii) Identify the jurisdiction in which the collateral is located, and, if different, the jurisdiction in which the security interest in the collateral is enforceable against the Enterprise;

(6) Describe any material off-balance sheet exposures (including guarantees and contractual obligations) of the Enterprise, including a mapping to each of its core business lines;

(7) Describe the practices of the Enterprise and its core business lines related to the booking of trading and derivatives activities;

(8) Identify material hedges of the Enterprise and its core business lines related to trading and derivative activities, including a mapping to legal entity;

(9) Describe the hedging strategies of the Enterprise;

(10) Describe the process undertaken by the Enterprise to establish exposure limits;

(11) Identify the third-party providers with which the Enterprise has significant business connections (including third parties performing or providing operations, services, functions, or supports associated with each core business line) and describe the business connections, dependencies and relationships with such third party;

(12) Report on the counterparty credit risk exposure to—

(i) The 20 largest single-family mortgage sellers and the 20 largest single-family mortgage servicers to the Enterprise (where ''largest'' is determined as of the end of the quarter preceding submission of a resolution plan, and the Enterprise includes an entity that is among the largest in both categories in each separate report category); and

(ii) All multifamily sellers and servicers to the Enterprise, based on purchasing volume during the preceding year.

(13) Report on insurance in force, risk in force, and exposure and potential future exposure related to all providers of loan-level mortgage insurance;

(14) Analyze whether the failure of a third-party provider to an Enterprise would likely have an adverse impact on an Enterprise or result in the Enterprise becoming in danger of default or in default, the availability of alternative providers, and the ability of the Enterprise to change providers when necessary; and

(15) Identify each trading, payment, clearing, or settlement system of which the Enterprise, directly or indirectly, is a member and on which the Enterprise conducts a material number or value amount of trades or transactions, and map membership in each such system to the Enterprise and its core business lines.

(g) *Management information systems.* (1) Each resolution plan shall include:

(i) A detailed inventory and description of the key management information systems and applications, including systems and applications for risk management, automated underwriting, valuation, accounting, and financial and regulatory reporting, used by the Enterprise, and systems and applications containing records used to manage all qualified financial contracts. The description of each system or application provided shall identify the legal owner or licensor, the use or function of the system or application, service level agreements related thereto, any software and system licenses, and any intellectual property associated therewith;

(ii) A mapping of the key management information systems and applications to core business lines of the Enterprise that use or rely on such systems and applications;

(iii) An identification of the scope, content, and frequency of the key internal reports that senior management of the Enterprise and core business lines use to monitor the financial health, risks, and operation of the Enterprise and core business lines;

(iv) A description of the process for FHFA to access the management information systems and applications identified in this paragraph (g); and

(v) A description and analysis of—

(A) The capabilities of the Enterprise's management information systems to collect, maintain, and report, in a timely

manner to management of the Enterprise and to FHFA, the information and data underlying the resolution plan; and

(B) Any gaps or weaknesses in such capabilities, and a description of the actions the Enterprise intends to take to promptly address such gaps, or weaknesses, and the timeframe for implementing such actions.

(h) *Identification of point of contact.* The Enterprise senior management official responsible for serving as a point of contact regarding the resolution plan shall be identified in the resolution plan.

**§ 1242.6 Form of resolution plan; confidentiality.**

(a) *Form of resolution plan*—(1) *Generally.* Each resolution plan of an Enterprise shall be divided into a public section and a confidential section. Each Enterprise shall segregate and separately identify the public section from the confidential section.

(2) *Content of public section.* The public section of a resolution plan shall clearly reflect required and prohibited assumptions set forth at § 1242.5(b) and consist of an executive summary of the resolution plan that describes the business of the Enterprise and includes, to the extent material to an understanding of the Enterprise:

(i) A description of each core business line, including associated operations and services;

(ii) Consolidated or segment financial information regarding assets, liabilities, capital and major funding sources;

(iii) A description of derivative activities, hedging activities, and credit risk transfer instruments;

(iv) A list of memberships in material payment, clearing and settlement systems;

(v) The identities of the principal officers;

(vi) A description of the corporate governance structure and processes related to resolution planning;

(vii) A description of material management information systems; and

(viii) A description, at a high level, of strategies to facilitate resolution, covering such items as the range of potential purchasers of the Enterprise's core business lines and other significant assets, as well as measures that, if taken by the Enterprise, could minimize the risk that its resolution would have serious adverse effects on the national housing finance markets and minimize the amount of potential loss to the Enterprise's investors and creditors.

(b) *Confidential treatment of resolution plan.* (1) The confidentiality of each resolution plan and related materials shall be determined in accordance with applicable exemptions under the Freedom of Information Act (5 U.S.C. 552(b)), 12 CFR part 1202 (FHFA's regulation implementing the Freedom of Information Act), and 12 CFR part 1214 (FHFA's regulation on the availability of non-public information).

(2) An Enterprise submitting a resolution plan or related materials pursuant to this part that desires confidential treatment of the information under 5 U.S.C. 552(b)(4), 12 CFR part 1202 (Freedom of Information Act), and 12 CFR part 1214 (availability of non-public information) may file a request for confidential treatment in accordance with those rules.

(3) To the extent permitted by law, information comprising the confidential section of a resolution plan will be treated as confidential.

(4) To the extent permitted by law, the submission of any nonpublic data or information under this part shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or state law (including the rules of any Federal or state court) to which the data or information is otherwise subject. The submission of any nonpublic data or information under this part shall be subject to the examination privilege.

**§ 1242.7 Review of resolution plans; resubmission of deficient resolution plans.**

(a) *FHFA acceptance of resolution plan; review for completeness.* (1) After receipt of a resolution plan, FHFA will either acknowledge acceptance of the plan for review or return the resolution plan if FHFA determines that it is incomplete or that substantial additional information is required to facilitate review of the resolution plan.

(2) If FHFA determines that a resolution plan is incomplete or that substantial additional information is necessary to facilitate review of the resolution plan:

(i) FHFA shall provide notice to the Enterprise in writing of the area(s) in which the resolution plan is incomplete or with respect to which additional information is required; and

(ii) Within 30 days after receiving such notice (or such other time period as FHFA may establish in the notice), the Enterprise shall resubmit a complete resolution plan or such additional information as requested to facilitate review of the resolution plan.

(b) *FHFA review of complete plan; determination regarding deficient resolution plan.* (1) Following review of a complete resolution plan, FHFA will send a notification to each Enterprise that:

(i) Identifies any deficiencies or shortcomings in the Enterprise's resolution plan (or confirms that no deficiencies or shortcomings were identified);

(ii) Identifies any planned actions or changes set forth by the Enterprise that FHFA agrees could facilitate a rapid and orderly resolution of the Enterprise; and

(iii) Provides any other feedback on the resolution plan (including feedback on timing of actions or changes to be undertaken by the Enterprise). FHFA will send the notification no later than 12 months after accepting a complete plan, unless FHFA determines in its discretion that extenuating circumstances exist that require delay.

(2) For purposes of paragraph (b)(1) of this section, a ''deficiency'' is an aspect of an Enterprise's resolution plan that FHFA determines presents a weakness that, individually or in conjunction with other aspects, could undermine the feasibility of the Enterprise's resolution plan. A ''shortcoming'' is a weakness or gap that raises questions about the feasibility of an Enterprise's resolution plan, but does not rise to the level of a deficiency. If a shortcoming is not satisfactorily explained or addressed before or in the submission of the Enterprise's next resolution plan, it may be found to be a deficiency in the Enterprise's next resolution plan. FHFA may identify an aspect of an Enterprise's resolution plan as a deficiency even if such aspect was not identified as a shortcoming in an earlier resolution plan submission.

(c) *Resubmission of a resolution plan.* Within 90 days of receiving a notice of deficiency, or such shorter or longer period as FHFA may establish by written notice to the Enterprise, an Enterprise shall submit a revised resolution plan to FHFA that addresses all deficiencies identified by FHFA, and that discusses in detail:

(1) Revisions to the plan made by the Enterprise to address the identified deficiencies;

(2) Any changes to the Enterprise's business operations and corporate structure that the Enterprise proposes to undertake to address a deficiency (including a timeline for completing such changes); and

(3) Why the Enterprise believes that the revised resolution plan is feasible and would facilitate a rapid and orderly resolution by FHFA as receiver.

**§ 1242.8 No limiting effect or private right of action.**

(a) *No limiting effect on resolution proceedings.* A resolution plan submitted pursuant to this part shall not have any binding effect on FHFA when

appointed as conservator or receiver under 12 U.S.C. 4617.

(b) *No private right of action.* Nothing in this part creates or is intended to create a private right of action based on a resolution plan prepared or submitted under this part or based on any action taken by FHFA with respect to any resolution plan submitted under this part.

**Mark A. Calabria,**

*Director, Federal Housing Finance Agency.*

[FR Doc. 2021–09287 Filed 5–3–21; 8:45 am]

**BILLING CODE 8070–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2020–1169; Project Identifier MCAI–2020–01373–T; Amendment 39–21526; AD 2021–09–12]**

**RIN 2120–AA64**

## Airworthiness Directives; Dassault Aviation Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2020–07–16, which applied to certain Dassault Aviation Model FALCON 7X airplanes. AD 2020–07–16 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective June 8, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 8, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of May 18, 2020 (85 FR 20405, April 13, 2020).

**ADDRESSES:** For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1169.

### Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1169; 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:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0214, dated October 6, 2020 (EASA AD 2020–0214) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–07–16 Amendment 39–19895 (85 FR 20405, April 13, 2020) (AD 2020–07–16). AD 2020–07–16 applied to certain Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal Register** on January 15, 2021 (86 FR 3879). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2020–0214.

The FAA is issuing this AD to address reduced structural integrity and reduced control of airplanes due to the failure of system components. See the MCAI for additional background information.

### Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. One commenter indicated support for the NPRM.

### Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

### Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0214 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2019–0257, dated October 17, 2019, which the Director of the Federal Register approved for incorporation by reference as of May 18, 2020 (85 FR 20405, April 13, 2020).

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.

### Costs of Compliance

The FAA estimates that this AD affects 122 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2020–07–16 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate

is more accurate than a per-airplane estimate. The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing airworthiness directive 2020–07–16, Amendment 39–19895 (85 FR 20405, April 13, 2020); and

■ b. Adding the following new airworthiness directive:

**2021–09–12 Dassault Aviation:** Amendment 39–21526; Docket No. FAA–2020–1169; Project Identifier MCAI–2020–01373–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective June 8, 2021.

**(b) Affected ADs**

(1) This AD replaces AD 2020–07–16, Amendment 39–19895 (85 FR 20405, April 13, 2020) (AD 2020–07–16).

(2) This AD affects AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (AD 2014–16–23).

**(c) Applicability**

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 1, 2020.

**Note 1 to paragraph (c):** Model FALCON 7X airplanes with modification M1000 incorporated are commonly referred to as ''Model FALCON 8X'' airplanes as a marketing designation.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

**(e) Reason**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity and reduced control of airplanes due to the failure of system components.

**(f) Compliance**

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

**(g) Retained Maintenance or Inspection Program Revision, With No Changes**

This paragraph restates the requirements of paragraph (i) of AD 2020–07–16, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 1, 2019, except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0257, dated October 17, 2019 (EASA AD 2019–0257).

**(h) Retained Exceptions to EASA AD 2019–0257, With No Changes**

This paragraph restates the requirements of paragraph (j) of AD 2020–07–16 with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 1, 2019:

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2019–0257 do not apply to this AD.

(2) Where paragraph (3) of EASA AD 2019–0257 specifies a compliance time of ''Within 12 months'' after its effective date to ''revise the approved AMP [Aircraft Maintenance Program],'' this AD requires ''revising the existing maintenance or inspection program, as applicable'' to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA AD 2019–0257 within 90 days after May 18, 2020 (the effective date of AD 2020–07–16).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2019–0257 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2019–0257, or within 90 days after May 18, 2020 (the effective date of AD 2020–07–16), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2019–0257 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2019–0257 does not apply to this AD.

**(i) Retained Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs) With a New Exception**

This paragraph restates the requirements of paragraph (k) of AD 2020–07–16, with a new exception. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 1, 2019, except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2019–0257.

**(j) New Maintenance or Inspection Program Revision**

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0214, dated October 6, 2020 (EASA AD 2020–0214). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

**(k) Exceptions to EASA AD 2020–0214**

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0214 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0214 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA

AD 2020–0214 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2020–0214 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2020–0214, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2019–0257 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2020–0214 does not apply to this AD.

**(l) New Provisions for Alternative Actions, Intervals, and CDCCLs**

After the maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs are allowed except as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0214.

**(m) Terminating Action for Certain Requirements in AD 2014–16–23**

Accomplishing the actions required by paragraphs (g) or (j) of this AD terminates the requirements of paragraph (q) of AD 2014–16–23.

**(n) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(o) Related Information**

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

**(p) 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 June 8, 2021.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0214, dated October 6, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on May 18, 2020 (85 FR 20405, April 13, 2020).

(i) European Union Aviation Safety Agency (EASA) AD 2019–0257, dated October 17, 2019.

(ii) [Reserved]

(5) For EASA AD 2020–0214, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1169.

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

Issued on April 21, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08852 Filed 5–3–21; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0789; Project Identifier AD–2020–00849–T; Amendment 39–21519; AD 2021–09–06]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2019–22–10, which applied to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. AD 2019–22–10 required repetitive inspections for cracking of the left- and right-hand side outboard chords of frame fittings and failsafe straps at a certain station around eight fasteners, and repair if any cracking is found. For certain airplanes, this AD reduces the compliance time for the initial inspection, and for all airplanes this AD reduces the repetitive interval. This AD was prompted by a determination that the initial inspection threshold and repetitive inspection interval are inadequate to address the cracking in a timely manner. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective June 8, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 8, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 13, 2019 (84 FR 61533, November 13, 2019).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 3, 2019 (84 FR 52754, October 3, 2019).

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* 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. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0789.

**Examining the AD Docket**

You may examine the AD docket on the internet at *https://www.regulations.gov*by searching for and locating Docket No. FAA–2020–0789; 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:** Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019) (AD 2019–22–10). AD 2019–22–10 applied to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. The NPRM published in the **Federal Register** on September 8, 2020 (85 FR 55391). The NPRM was prompted by an engineering analysis of the inspection reporting results and metallurgical evaluation of the submitted frame fitting assemblies, which indicated that the initial inspection threshold for Model 737–900ER series airplanes and the repetitive inspection interval for all affected airplanes are inadequate to address the cracking in a timely manner. For certain airplanes, the NPRM proposed to reduce the compliance time for the initial inspection, and for all airplanes the NPRM proposed to reduce the repetitive inspection interval.

## Comments

The FAA gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

### Request To Extend the Compliance Time for the Reporting Requirement

American Airlines (AA) asked that the compliance time for the reporting requirements in paragraphs (h) and (k) of the proposed AD be extended to 30 days after the date of inspection. AA stated that the cracking of the station (STA) 663.75 fitting is now a known problem, and Boeing has been receiving reports for almost a year. AA added that extending the reporting requirement to 30 days would provide relief to the operators while not decreasing safety. Hainan Airlines (HNA) recommended that the compliance time for the reporting requirement in paragraph (k) of the proposed AD be extended from 3 to 30 days after the inspection or after the effective date of the proposed AD, or an equivalent date, to alleviate the burden on operators. HNA believes that Boeing already received a large number of inspection reporting results for its root cause analysis over the past year.

Southwest Airlines (SWA) asked that the compliance time for the reporting requirement be extended to 10 days. SWA stated that the 3-day reporting requirement was developed for AD 2019–20–02, Amendment 39–19755 (84 FR 52754, October 3, 2019). SWA added that the inspection program has matured within Boeing and the Model 737–600, –700, –700C, –800, –900, and –900ER operators, and the reporting requirement of initial inspections can be relaxed from 3 to 10 days to reduce the burden on airline operations for reporting non-crack findings. Additionally, SWA noted that Boeing's airworthiness limitation (Document D626A001–9–01) has a requirement to report any crack found during these inspections to Boeing within 10 days.

AIRDO Airlines asked that the reporting requirement be changed from 3 to 7 days, since the statistical data of the inspection results for most of the aging 737NG airplanes has been reported.

Boeing stated that it has been receiving inspection reports over the past year and has accumulated substantial data, and asked that the reporting requirement be extended to 10 days.

Because of the information available from the inspection findings that have already been reported to Boeing, the FAA agrees to extend the reporting requirements in paragraphs (h) and (k) of this AD to 10 days, which would reduce the reporting burden on operators and would provide an acceptable level of safety. However, Boeing and the FAA are still relying on those inspection results both to provide repair instructions when cracks are found and to better understand the nature, cause, and extent of the cracking and ultimately develop a terminating action. The FAA, therefore, does not agree to extend the reporting requirement to 30 days.

### Request To Provide Credit for Previous Reporting Requirement

Boeing and AIRDO Airlines asked that reporting as specified in paragraph (k) of the proposed AD not be required if an inspection report was previously submitted in accordance with AD 2019–20–02 or AD 2019–22–10.

The FAA partially agrees with the commenters' request. Although reporting per AD 2019–20–02 alone is not adequate for credit with the reporting requirement specified in paragraph (k) of this AD, reporting per AD 2019–22–10 meets the reporting requirement specified in paragraph (k) of this AD. Therefore, the FAA has revised paragraph (k) of this AD to specify that a report submitted as required in paragraph (h) of this AD is acceptable for compliance with the requirements of paragraph (k) of this AD.

### Request To Clarify Reporting Requirement

One commenter asked that the reporting requirement in paragraph (k) of the proposed AD be clarified. The commenter stated that inspection report example specified in Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, has columns for repetitive inspections. The commenter noted that reporting findings only for the initial inspection is required by the proposed AD, and would like conformation that reporting findings for repetitive inspections thereafter is not required if no cracks are found.

The FAA acknowledges the commenter's concern and confirms that paragraph (k) of this AD requires reporting findings for only the initial inspection, and no reporting is required for any repetitive inspection regardless of the findings.

### Effects of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing, SWA, and HNA stated that the installation of blended or split scimitar winglets per Supplemental Type Certificate (STC) ST00830SE does not affect compliance with the proposed actions.

The FAA agrees with the commenters that STC ST00830SE does not affect the accomplishment of the manufacturer's service instructions. Operators of airplanes with these winglets do not need to request a ''change in product'' alternative method of compliance (AMOC) approval as specified in 14 CFR 39.17. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD, and added paragraph (c)(2) to this AD accordingly.

### Request To Use Figures To Accomplish the Refined Inspection

AA asked that it be allowed to use the figures for the refined inspection areas in FAA Letter 782–19–14004. AA stated that the global AMOC provided in FAA Letter 782–19–14004 and Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019, is referenced in Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020; however, it is not mentioned in the proposed AD.

The FAA partially agrees with the commenter's request. Paragraph (n)(5) of this AD states that AMOCs approved previously for AD 2019–22–10, which

include the referenced global AMOC, are approved as AMOCs for the corresponding provisions of this AD. Therefore, no change to this AD is necessary regarding this issue.

**Request for Correction of Typographical Error**

Boeing and HNA requested the FAA correct a typographical error for the effective date of AD 2019–22–10, which is referenced in paragraph (h)(1) of the proposed AD as October 3, 3019, when the correct date is October 3, 2019.

The FAA agrees with the commenters' request. The FAA has corrected the effective date of AD 2019–22–10 in paragraph (h)(1) of this AD accordingly.

**Conclusion**

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously, and minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. This service information specifies procedures for repetitive detailed inspections for cracking of the left- and right-hand outboard chords of the STA 663.75 frame fittings and failsafe straps around eight fasteners adjacent to the stringer S–18A straps.

This AD also requires Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019, which the Director of the Federal Register approved for incorporation by reference as of November 13, 2019 (84 FR 61533, November 13, 2019).

This AD also requires Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019, which the Director of the Federal Register approved for incorporation by reference as of October 3, 2019 (84 FR 52754, October 3, 2019).

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.

**Interim Action**

The FAA considers this AD interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the cracking, and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA might consider further rulemaking.

**Costs of Compliance**

The FAA estimates that this AD affects 1,911 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection (retained action from AD 2019–22–10). | 1 work-hour × $85 per hour = $85 per inspection cycle. | $0 | $85 per inspection cycle. | $162,435 per inspection cycle. |
| Reporting (retained action from AD 2019–22–10). | 1 work-hour × $85 per hour = $85 | 0 | $85 | $162,435. |
| Inspection (new action) | 1 work-hour × $85 per hour = $85 per inspection cycle. | 0 | $85 per inspection cycle. | $162,435 per inspection cycle. |
| Reporting (new action) | 1 work-hour × $85 per hour = $85 | 0 | $85 | $162,435. |

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition actions specified in this AD.

**Paperwork Reduction Act**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

The FAA has 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 above, I certify that this AD:

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019); and
■ b. Adding the following new airworthiness directive:

**2021–09–06 The Boeing Company:** Amendment 39–21519; Docket No. FAA–2020–0789; Project Identifier AD–2020–00849–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective June 8, 2021.

**(b) Affected ADs**

This AD replaces AD 2019–22–10, Amendment 39–19789 (84 FR 61533, November 13, 2019) (AD 2019–22–10).

**(c) Applicability**

(1) This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports of cracking discovered in the station (STA) 663.75 frame fitting outboard chords and failsafe straps adjacent to the stringer S–18A straps and a determination that the initial inspection threshold for certain airplanes and the repetitive inspection interval specified in AD 2019–22–10 are inadequate to address the cracking in a timely manner. The FAA is issuing this AD to address cracking in the STA 663.75 frame fitting outboard chords and failsafe straps adjacent to the stringer S–18A straps, which could result in failure of a Principal Structural Element (PSE) to sustain limit load. This condition could adversely affect the structural integrity of the airplane and result in loss of control of the airplane.

**(f) Compliance**

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

**(g) Retained Inspection and Corrective Action, With No Changes**

This paragraph restates the requirements of paragraph (g) of AD 2019–22–10, with no changes. At the earlier of the times specified in paragraphs (g)(1) and (2) of this AD: Do a detailed inspection for cracking of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps adjacent to the stringer S 18A straps, in accordance with Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019. If any crack is found, repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the inspection thereafter at intervals not to exceed 3,500 flight cycles until the initial inspection required by paragraph (i) of this AD is done.

(1) Prior to the accumulation of 30,000 total flight cycles, or within 7 days after October 3, 2019 (the effective date of AD 2019–20–02, Amendment 39–19755 (84 FR 52754, October 3, 2019) (AD 2019–20–02)), whichever occurs later.

(2) Prior to the accumulation of 22,600 total flight cycles, or within 1,000 flight cycles after October 3, 2019 (the effective date of AD 2019–20–02), whichever occurs later.

**(h) Retained Reporting Requirement, With No Changes**

This paragraph restates the requirements of paragraph (h) of AD 2019–22–10, with no changes. At the applicable time specified in paragraph (h)(1) or (2) of this AD, submit a report of all findings, positive and negative, of the initial inspection required by paragraph (g) of this AD. Submit the report in accordance with Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019.

(1) If the inspection was done on or after October 3, 2019 (the effective date of AD 2019–20–02): Submit the report within 10 days after the inspection.

(2) If the inspection was done before October 3, 2019 (the effective date of AD 2019–20–02): Submit the report within 10 days after October 3, 2019.

**(i) Inspection and Corrective Action With Reduced Compliance Times**

Except as specified in paragraph (j) of this AD: At the applicable initial compliance time specified in Tables 1 and 2 of ''Ref I'' of Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, do a detailed inspection of the left- and right-hand side outboard chords of the STA 663.75 frame fittings and failsafe straps around eight fasteners adjacent to the stringer S–18A straps, in accordance with Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. If any crack is found, repair before further flight using a method approved in accordance with the procedures specified in paragraph (n) of this AD. Repeat the inspection thereafter at the applicable intervals specified in Tables 1 and 2 of ''Ref I'' of Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020. Accomplishing the initial inspection required by this paragraph or an initial inspection specified in Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019, terminates the inspections required by paragraph (g) of this AD.

**(j) Exceptions to Service Information Specifications**

Where Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020, uses the phrase ''the original issue date of MOM–MOM–20–0443–01B(R1),'' this AD requires using ''the effective date of this AD.''

**(k) New Reporting Requirement**

At the applicable time specified in paragraph (k)(1) or (2) of this AD, submit a report of all findings, positive and negative, of the initial inspection required by paragraph (i) of this AD. Submit the report in accordance with MOM–MOM–20–0443–01B (R1), dated June 2, 2020. A report submitted as specified in paragraph (h) of this AD is acceptable for compliance with the requirements of this paragraph.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 10 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

**(l) 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 repaired if any crack is found, provided the Manager, Seattle ACO Branch, FAA, concurs with issuance of the special flight permit. Send requests for concurrence by email to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

**(m) Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed,

and completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

**(n) Alternative Methods of Compliance (AMOCs)**

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2019–20–02 are approved as AMOCs for the corresponding provisions of this AD.

(5) AMOCs approved previously for AD 2019–22–10 are approved as AMOCs for the corresponding provisions of this AD.

**(o) Related Information**

For more information about this AD, contact Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

**(p) 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 June 8, 2021.

(i) Boeing Multi-Operator Message MOM–MOM–20–0443–01B (R1), dated June 2, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on November 13, 2019 (84 FR 61533, November 13, 2019).

(i) Boeing Multi-Operator Message MOM–MOM–19–0623–01B, dated November 5, 2019.

(ii) [Reserved]

(5) The following service information was approved for IBR on October 3, 2019 (84 FR 52754, October 3, 2019).

(i) Boeing Multi-Operator Message MOM–MOM–19–0536–01B, dated September 30, 2019.

(ii) [Reserved]

(6) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(7) 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.

(8) 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 15, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08849 Filed 5–3–21; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2021–0346; Project Identifier AD–2021–00465–E; Amendment 39–21539; AD 2021–10–06]**

**RIN 2120–AA64**

## Airworthiness Directives; CFM International, S.A. Turbofan Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) LEAP–1B model turbofan engines. This AD was prompted by multiple reports of pressure sub-system (PSS) unit faults due to pressure transducer corrosion following extended storage periods. For an engine in service, this AD requires checks for engine maintenance messages related to the pressure transducer and, depending on the results of the check, replacement of the PSS unit before further flight. The AD requires this repetitive check for faults prior to each flight until the PSS has accumulated at least 15 hours of electrical power. For an engine not in service, this AD requires applying electrical power to the PSS unit before further flight. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 10, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 10, 2021.

The FAA must receive comments on this AD by June 18, 2021.

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

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

For service information identified in this final rule, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; fax: (877) 432–3329; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0346.

**Examining the AD Docket**

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0346; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

In April 2021, the FAA received a report from CFM, the engine manufacturer, of numerous instances of PSS unit faults. The manufacturer reported these faults have been occurring since October 2020 and are a result of pressure transducer corrosion following extended storage periods. The manufacturer's investigation found that certain PSS units, identified by serial number, have been exposed to conditions that make pressure transducers in these units susceptible to an increased rate of faults. These conditions are moisture ingress from long-term on-wing storage, coupled with certain manufacturing processes of the affected pressure transducers. Together these conditions can cause corrosion and subsequent electrical shorting of the pins in the pressure transducer. This short can result in transmittal of erroneous pressure sensor signals to the electronic engine control. Erroneous pressure input from the pressure transducers in the PSS unit has the potential to prevent engine control from meeting thrust demand, thereby resulting in the loss of engine thrust control. Further, the engine manufacturer found that if transmission of erroneous pressure sensor signals were to occur, it would occur within the first 15 hours of electrical power to the PSS unit after the extended storage period is completed. Therefore, the manufacturer recommended that, for engines with fewer than 15 hours of electrical power applied to the PSS unit within the past 90 days, operators either perform a check for engine maintenance messages related to the pressure transducer prior to each flight or apply electrical power to the PSS unit until the PSS unit has accumulated 15 hours or more of electrical power. The FAA is mandating these recommendations in this AD.

This condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

## FAA's Determination

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 CFM Service Bulletin (SB) LEAP–1B–73–00–0038–01A–930A–D, Issue 002–00, dated 2021–04–25, excluding FADEC Alliance SB LEAP–1B/73–012, Issue 001, dated 2021–04–23 (which is attached to the CFM SB). This SB identifies PSS units with susceptible pressure transducers. This SB also specifies procedures for checking the engine maintenance messages related to the pressure transducer and applying electrical power to the PSS unit. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

## AD Requirements

For an engine in service, this AD requires checks for engine maintenance messages related to the pressure transducer and, depending on the results of the checks, replacement of the PSS unit before further flight. This AD requires this repetitive check for faults prior to each flight until the PSS unit has accumulated at least 15 hours of electrical power. For an engine not in service, this AD requires applying electrical power to the PSS unit prior to returning the engine to service.

## Interim Action

The FAA considers this AD to be an interim action. This unsafe condition is still under investigation by the manufacturer and, depending on the results of that investigation, the FAA may consider further rulemaking action.

## Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule. As previously noted, there have been numerous instances of PSS units faulting in the last few months. These PSS unit failures can impact the capability of the engine control to meet commanded thrust and may lead to a loss of engine thrust control and reduced control of the airplane. Therefore, the risk created by this unsafe condition requires prompt action, and the FAA is mandating the compliance time for the required action as before further flight. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment. Because of the need for operators to begin the required checks prior to each flight or application of electrical power to the PSS unit, the FAA has made this AD effective 5 days after the date of publication.

## 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–2021–0346 and Project Identifier AD–2021–00465–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

## Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA

will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Regulatory Flexibility Act**

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

**Costs of Compliance**

The FAA estimates that this AD affects 158 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Check for engine maintenance messages | 0.5 work-hours × $85 per hour = $42.50 | $0 | $42.50 | $6,715 |
| Apply electrical power to PSS unit | 15 work-hours × $85 per hour = $1,275 | 0 | 1,275 | 201,450 |

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the check for engine maintenance messages related to the pressure transducer. The agency has no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replace PSS unit | 1 work-hour × $85 per hour = $85 | $159,657 | $159,742 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

(2) Will not affect intrastate aviation in Alaska.

**List of Subjects in 14 CFR Part 39**

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

**The Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2021–10–06 CFM International, S.A.:** Amendment 39–21539; Docket No. FAA–2021–0346; Project Identifier AD–2021–00465–E.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 10, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to CFM International S.A. (CFM) LEAP–1B21, –1B23, –1B25, –1B27, –1B28, –1B28B1, –1B28B2, –1B28B3, –1B28B2C, –1B28BBJ1, and –1B28BBJ2 model turbofan engines with a pressure sub-system (PSS) unit with a serial number (S/N) listed in Additional Information, Paragraph 6.A. Table 1 of CFM Service Bulletin (SB) LEAP–1B–73–00–0038–01A–930A–D, Issue 002–00, dated 2021–04–25 (SB LEAP–1B–73–0038), installed.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7600, Engine Controls.

**(e) Unsafe Condition**

This AD was prompted by multiple reports of PSS unit faults due to pressure transducer corrosion following extended storage periods. The FAA is issuing this AD to prevent erroneous pressure sensor signals that can impact engine thrust control. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

**(f) Compliance**

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

**(g) Required Actions**

(1) For an engine in service on the effective date of this AD that has accumulated fewer than 15 hours of electrical power applied to the PSS unit within the past 90 days, perform one of the following actions:

(i) Prior to each flight, perform a check for the engine maintenance messages listed in the Accomplishment Instructions, paragraph

5.B.(2)(a)*2,* of SB LEAP–1B–73–0038, related to the pressure transducer, until the PSS unit has accumulated 15 hours or more of electrical power within the previous 90 days; or

(ii) Before further flight, apply electrical power to the PSS unit in accordance with the Accomplishment Instructions, paragraph 5.A.(3)(a)*1,* of SB LEAP–1B–73–0038, until the PSS unit has accumulated 15 hours or more of electrical power within the past 90 days.

(2) For an engine in service on the effective date of this AD that has accumulated 15 hours or more of electrical power applied to the PSS unit within the previous 90 days, within 5 flight cycles of the effective date of this AD, perform a one-time check for the maintenance messages listed in the Accomplishment Instructions, paragraph 5.B.(2)(a)*2,* of SB LEAP–1B–73–0038, related to the pressure transducer.

(3) For an engine not in service on the effective date of this AD that has accumulated fewer than 15 hours of electrical power applied to the PSS unit within the past 90 days, before further flight, apply electrical power to the PSS unit in accordance with the Accomplishment Instructions, paragraph 5.A.(3)(a)*1,* of SB LEAP–1B–73–0038, until the PSS unit has accumulated 15 hours or more of electrical power within the previous 90 days.

(4) For an engine not in service on the effective date of this AD that has accumulated 15 hours or more of electrical power applied to the PSS unit within the previous 90 days, before further flight, perform a check for the engine maintenance messages using the Accomplishment Instructions, paragraphs 5.A.(3)(b)1 through 5, of SB LEAP–1B–73–0038, related to the pressure transducer.

(5) After accumulating 15 hours of electrical power on the PSS unit as required by paragraph (g)(1)(ii) or (g)(3) of this AD, before further flight, perform a check for the engine maintenance messages using the Accomplishment Instructions, paragraphs 5.A.(3)(b)*1* through *5,* of SB LEAP–1B–73–0038, related to the pressure transducer.

(6) If any engine maintenance messages are found by the checks required by paragraph (g)(1)(i), (2), (4), or (5) of this AD, before further flight, replace the PSS unit with a PSS unit eligible for installation.

**(h) Definitions**

(1) For the purpose of this AD, an ''in service'' engine is any of the following:

(i) An engine installed on an airplane that was delivered prior to November 18, 2020, that, as of the effective date of this AD, has completed the Operational Readiness Flight in accordance with paragraph (m) of FAA AD 2020–24–02 (85 FR 74560, November 20, 2020); or

(ii) An engine installed on an airplane delivered after November 18, 2020.

(2) For the purpose of this AD, hours of electrical power on the PSS unit is the total amount of time that voltage was applied to the PSS unit either on-wing or on a bench in segments of no less than 15 minutes. If the voltage-time is not available, use the run time of the engine on which the PSS unit is installed.

(3) For the purpose of this AD, a ''PSS unit eligible for installation'' is any of the following:

(i) A PSS unit that is cleared in accordance with the criteria in the Accomplishment Instructions, paragraph 5.B.(3), of SB LEAP–1B–73–0038; or

(ii) A PSS unit with an S/N not listed in Additional Information, Paragraph 6.A. Table 1 of SB LEAP–1B–73–0038.

**(i) Installation Prohibition**

After the effective date of this AD, do not install on any engine a PSS unit unless it is a PSS unit eligible for installation as defined in paragraph (h)(3) of this AD.

**(j) Credit for Previous Actions**

You may take credit for the actions required by paragraphs (g)(1)(ii) and (g)(2) through (6) of this AD if you performed these actions before the effective date of this AD using CFM SB LEAP–1B–73–00–0038–01A–930A–D, Issue 001, dated 2021–04–23.

**(k) Special Flight Permit**

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane for up to 5 flight cycles prior to accomplishing paragraph (g)(3) of this AD provided engine maintenance messages are checked prior to each flight using the Accomplishment Instructions, paragraphs 5.A.(3)(b)*1-5,* of SB LEAP–1B 73–0038, and no engine maintenance messages listed in the Accomplishment Instructions, paragraph 5.A.(3)(b)*5,* of SB LEAP–1B–73–0038, are detected. For all other requirements, special flight permits are prohibited.

**(l) Alternative Methods of Compliance (AMOCs)**

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

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

**(m) Related Information**

For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; fax: (781) 238–7199; email: *Mehdi.Lamnyi@faa.gov.*

**(n) Material Incorporated by Reference**

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

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

(i) CFM Service Bulletin (SB) LEAP–1B–73–00–0038–01A–930A–D, Issue 002–00, dated 2021–04–25, excluding FADEC Alliance SB LEAP–1B/73–012, Issue 001, dated 2021–04–23 (which is attached to this CFM SB).

(ii) [Reserved]

(3) For CFM International, S.A. service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; fax: (877) 432–3329; email: *aviation.fleetsupport@ge.com.*

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

(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 28, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021–09507 Filed 4–30–21; 4:15 pm]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### 21 CFR Part 1308

**[Docket No. DEA–806]**

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

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Drug Enforcement Administration places four specified fentanyl-related substances permanently in schedule I of the Controlled Substances Act. These four specific substances fall within the definition of fentanyl-related substances set forth in the 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 four specified fentanyl-related substances will continue to be applicable permanently as a result of this action.

**DATES:** Effective date: May 4, 2021.

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

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

- Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate);
- *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide (*ortho*-fluoroacryl fentanyl);
- *N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide (*ortho*-fluoroisobutyryl fentanyl); and
- *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (*para*-fluoro furanyl fentanyl).

The schedule I listing of these four 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 Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (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 the Department of Health and Human Services (Assistant Secretary for HHS or 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 four 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 18, 2021 (86 FR 14707), DEA published a notice of proposed rulemaking (NPRM) to permanently control four specific fentanyl-related substances: fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 39, 62, 66, and 73 under paragraph (b) to Fentanyl carbamate, *ortho*-Fluoroacryl fentanyl, *ortho*-Fluoro isobutyryl fentanyl, and *para*-Fluoro furanyl 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 three of the four fentanyl-related substances (though the numbering for Fentanyl carbamate remains the same).

## DEA and HHS Eight Factor Analyses

On March 2, 2021, HHS provided DEA with a scientific and medical evaluation and scheduling recommendation, prepared by the Food and Drug Administration (FDA), for fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl and their salts. 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. Please note that both the DEA and HHS 8-Factor analyses and the Assistant Secretary's March 2, 2021, 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–806.''

## Determination To Schedule Four 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 Four Specific Fentanyl-Related Substances in Schedule I.'' 86 FR 14707, March 18, 2021. The NPRM provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations on or before April 19, 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 19, 2021.

## Comments Received

DEA received 35 comments on the proposed rule to control fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl in schedule 1 of the CSA. Submissions were from individual or anonymous commenters. Twenty-one commenters provided support for the rule. Three other commenters supported the proposal, but it is not clear whether they were referring to these specific four fentanyl-related substances or the class of fentanyl-related substances that was the subject of DEA's February 6, 2018, temporary scheduling order and that was extended until May 6, 2021 by legislation (Pub. L. 116–114, Sec. 2). Eleven other commenters did not state a position on the rule. Rather, these 11 commenters expressed adverse health concerns, including mortality associated with fentanyl and fentanyl-related

substances, and were mostly pleas to help save lives from grieving parents who had lost a child due to an ''accidental overdose of fentanyl'' or ''fentanyl poisoning.'' These 11 comments are not germane to this rulemaking. Therefore, DEA will not respond to these comments.

**Support of the Proposed Rule**

*Comment.* Twenty-one commenters supported controlling fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl as schedule I controlled substances. These commenters indicated that permanent scheduling of these substances helps deter illicit manufacturing and trafficking of these substances. Further, commenters noted safety concerns with fentanyl, such as deaths, overdoses, addiction, 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 on these substances to help curb addiction and opioid overdose. In addition to supporting control of these four substances, a commenter, who is a member of grief groups for parents who have lost a child due to an accidental overdose (particular drugs or substances not specified by the commenter), noted the fentanyl epidemic and growth of these groups. Specifically, this commenter stated that members have grown from about 4,000 to 12,000 during the ''pandemic''—which DEA interprets to mean, in context, the Coronavirus Disease 2019 (COVID–19) pandemic)—with no sign of decline.

*DEA Response.* DEA appreciates the support for this rulemaking.

*Comment.* Three commenters supported the proposal, but it is not clear whether they were referring to these specific four fentanyl-related substances or the class of fentanyl-related substances. Two of these commenters mentioned the dangers to health and safety from fentanyl, the illicit trafficking of fentanyl and fentanyl-related substances, and their desires that the temporary ban on the class of fentanyl-related substances—which they noted expires in May 2021—be made permanent. One of the two specifically requested that Congress ''pass the legislation'' to extend the temporary ban, and the other requested DEA's support in making the proposed temporary ban permanent. The third commenter did not mention the expiring legislation, and simply requested that efforts be continued to maintain the ban on fentanyl and fentanyl-related substances.

*DEA Response.* DEA agrees with the commenters on the importance that this temporary ban be extended or made permanent. However, as one of the three commenters correctly notes, for the scheduling of fentanyl-related substances to be made permanent by legislative action, Congress (rather than DEA) would have to take such action.

**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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl. DEA is therefore permanently scheduling these four 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) Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl have a high potential for abuse that is comparable to other schedule I substances such as acetyl fentanyl and furanyl fentanyl.

(2) Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl have no currently accepted medical use in treatment in the United States [1]; and

(3) There is a lack of accepted safety for use of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl under medical supervision. Based on these findings, the Acting Administrator concludes that fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 Fentanyl Carbamate, *Ortho*-Fluoroacryl Fentanyl, *Ortho*-Fluoro Isobutyryl Fentanyl, and *Para*-Fluoro Furanyl Fentanyl**

Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl will continue [2] to be subject to the CSA's schedule I 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, fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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.* Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl also must comply with the employee

[1] Although there is no evidence suggesting that fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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).

[2] Fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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.

screening requirements of 21 CFR 1301.90–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl must comply with the order form requirements, pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl fentanyl, also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle fentanyl carbamate, *ortho*-fluoroacryl fentanyl, *ortho*-fluoro isobutyryl fentanyl, and *para*-fluoro furanyl 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 four substances that has already been in effect for over three years. These four 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 four 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)(67) through (86) as paragraphs (b)(71) through (90);

■ b. Redesignate paragraphs (b)(62) through (66) as paragraphs (b)(65) through (69);

■ c. Redesignate paragraphs (b)(60) and (61) as paragraphs (b)(62) and (63);

■ d. Redesignate paragraphs (b)(39) through (59) as paragraphs (b)(40) through (60); and

■ e. Add new paragraphs (b)(39), (61), (64), and (70).

The additions read as follows:

**§ 1308.11 Schedule I.**

* * * * *

(b) * * *

(39) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate) ..... 9851

* * * * *

(61) *ortho*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide) ..... 9852

* * * * *

(64) *ortho*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) ..... 9853

* * * * *

(70) *para*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) ..... 9854

* * * * *

**D. Christopher Evans,**

*Acting Administrator.*

[FR Doc. 2021–09402 Filed 5–3–21; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Safety and Environmental Enforcement

### 30 CFR Part 250

**[Docket ID: BSEE–2021–0001; EEEE500000 21XE1700DX EX1SF0000.EAQ000]**

**RIN 1014–AA48**

## Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Civil Penalty Inflation Adjustment

**AGENCY:** Bureau of Safety and Environmental Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts the level of the maximum daily civil monetary penalty contained in the Bureau of Safety and Environmental Enforcement (BSEE) regulations for violations of the Outer Continental Shelf Lands Act (OCSLA), in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget (OMB) guidance. The civil penalty inflation adjustment, using a 1.01182 multiplier, accounts for one year of inflation based on the Consumer Price Index (CPI–U) spanning from October 2019 to October 2020.

**DATES:** This rule is effective May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Janine Marie Tobias, Safety and Enforcement Division, Bureau of Safety and Environmental Enforcement, (202) 208–4657 or by email: *regs@bsee.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Background and Legal Authority

The OCSLA, at 43 U.S.C. 1350(b)(1), directs the Secretary of the Interior (Secretary) to adjust the OCSLA maximum daily civil penalty amount at least once every three years to reflect any increase in the Consumer Price Index (CPI) to account for inflation. On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (FCPIA of 2015). The FCPIA of 2015 required Federal agencies to adjust the level of civil monetary penalties found in their regulations with an initial ''catch-up'' adjustment through rulemaking, if warranted, and then to make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes. Agencies were required to publish the first annual inflation adjustments in the **Federal Register** by no later than January 15, 2017 and must publish recurring annual inflation adjustments by no later than January 15 of each subsequent year.

BSEE last updated the maximum daily civil penalty amounts in BSEE's regulations for OCSLA violations by a final rule published and effective on March 4, 2020. (*See* 85 FR 12733). Consistent with OMB guidance, BSEE's final rule implemented the inflation

adjustments required by the FCPIA of 2015 through October 2019.

The OMB Memorandum M–21–10 (*Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*; available at *https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf*) explains agency responsibilities for: Identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register**; applying adjusted penalty levels; and performing agency oversight of inflation adjustments.

BSEE is promulgating this 2021 inflation adjustment for the OCSLA maximum daily civil penalties as a final rule pursuant to the provisions of the FCPIA of 2015 and OMB's guidance. A proposed rule is not required because the FCPIA of 2015 expressly exempted the annual inflation adjustments implemented pursuant to the FCPIA of 2015 from the pre-promulgation notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553 *et seq.* (the APA), allowing those adjustments to be published directly as final rules. Specifically, the FCPIA of 2015 states that agencies shall adjust civil monetary penalties ''notwithstanding Section 553 of the Administrative Procedure Act.'' (FCPIA of 2015 at § 4(b)(2)). This interpretation of the FCPIA of 2015 is confirmed by OMB Memorandum M–21–10 at 3 (''This means that the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'').

## II. Calculation of Adjustments

In accordance with the FCPIA of 2015 and the guidance provided in OMB Memorandum M–21–10, BSEE has calculated the necessary inflation adjustment for the maximum daily civil monetary penalty amount in 30 CFR 250.1403 for violations of OCSLA. The previous OCSLA civil penalty inflation adjustment accounted for inflation through October 2019. The required annual civil penalty inflation adjustment promulgated through this rule accounts for inflation through October 2020.

Annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for the October preceding the date of the adjustment, and the prior year's October CPI–U. Consistent with the guidance in OMB Memorandum M–21–10, BSEE divided the October 2020 CPI–U by the October 2019 CPI–U to calculate the multiplying factor. In this case, the October 2020 CPI–U (260.388) divided by the October 2019 CPI–U (257.346) is 1.01182. OMB Memorandum M–21–10 confirms that this is the proper multiplier. (OMB Memorandum M–21–10 at 1, n.4).

The FCPIA of 2015 requires that BSEE adjust the OCSLA maximum daily civil penalty amount for inflation using the applicable 2021 multiplier (1.01182). Accordingly, BSEE multiplied the existing OCSLA maximum daily civil penalty amount ($45,463) by 1.01182 to arrive at the new maximum daily civil penalty amount ($46,000.37). The FCPIA of 2015 requires that the resulting amount be rounded to the nearest $1.00 at the end of the calculation process. Accordingly, the adjusted OCSLA maximum daily civil penalty for 2021 is $46,000.

The adjusted penalty levels take effect immediately upon publication of this rule. Pursuant to the FCPIA of 2015, the increase in the OCSLA maximum daily civil penalty amount applies to civil penalties assessed after the date the increase takes effect, even when the associated violation(s) predates such increase. Consistent with the provisions of OCSLA and the FCPIA of 2015, this rule adjusts the following maximum civil monetary penalty per day per violation as follows:

| CFR citation | Description of the penalty | Current maximum penalty | Multiplier | Adjusted maximum penalty |
|---|---|---|---|---|
| 30 CFR 250.1403 | Failure to comply per-day, per-violation | $45,463 | 1.01182 | $46,000 |

## III. Procedural Requirements

### *A. Regulatory Planning and Review (E.O. 12866, 13563, and 13771)*

Executive Order (E.O.) 12866 provides that the OMB Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant. (*See* OMB Memorandum M–21–10 at 3).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 further emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. OIRA has determined that agency regulations implementing the annual adjustment required by the FCPIA of 2015 are not significant regulatory actions under E.O. 12866, provided they are consistent with OMB Memorandum M–21–10. (*See* OMB Memorandum M–21–10 at 3). Thus, E.O. 13771 does not apply to this rulemaking.

### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. (*See* 5 U.S.C. 603(a) and 604(a)). The FCPIA of 2015 expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment. (*See* FCPIA of 2015 at § 4(b)(2); OMB Memorandum M–21–10 at 3). Thus, the RFA does not apply to this rulemaking.

### *C. Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(1) Does not have an annual effect on the economy of $100 million or more;

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*D. Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

*E. Takings (E.O. 12630)*

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

*F. Federalism (E.O. 13132)*

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. To the extent that State and local governments have a role in Outer Continental Shelf activities, this rule will not affect that role. Therefore, a federalism summary impact statement is not required.

*G. Civil Justice Reform (E.O. 12988)*

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(1) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department of the Interior's consultation policy, under Departmental Manual Part 512 Chapters 4 and 5, and under the criteria in E.O. 13175. We have determined that it has no substantial direct effects on Federally-recognized Indian tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department of the Interior's tribal and ANCSA consultation policies is not required.

*I. Paperwork Reduction Act*

This rule does not contain information collection requirements, and a submission to the OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

*J. National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because, as a regulation of an administrative nature, this rule is covered by a categorical exclusion (*see* 43 CFR 46.210(i)). BSEE also determined that the rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. Therefore, a detailed statement under NEPA is not required.

*K. Effects on the Energy Supply (E.O. 13211)*

This rule is not a significant energy action under the definition in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

**List of Subjects in 30 CFR Part 250**

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Continental Shelf—mineral resources, Continental Shelf—rights-of-way, Reporting and recordkeeping requirements, Sulfur.

**Laura Daniel-Davis,**

*Principal Deputy Assistant Secretary, Land and Minerals Management.*

For the reasons given in the preamble, the BSEE amends Title 30, Chapter II, Subchapter B, Part 250 of the Code of Federal Regulations as follows.

## PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for 30 CFR part 250 continues to read as follows:

**Authority:** 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. Revise § 250.1403 to read as follows:

**§ 250.1403 What is the maximum civil penalty?**

The maximum civil penalty is $46,000 per day per violation.

[FR Doc. 2021–09315 Filed 5–3–21; 8:45 am]

BILLING CODE 4310–VH–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 100

**[Docket No. USCG–2021–0273]**

## Special Local Regulation; Annual Les Cheneaux Islands Antique Wooden Boat Show, Hessel, MI

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

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the Annual Les Cheneaux Island Antique Wooden Boat Show special local regulation on the U.S. navigable waters of Hessel Marina, Hessel, MI on August 14, 2021. This action is necessary and intended to protect the safety of life and property on navigable waters prior to, during, and immediately after the boat show. During the enforcement period listed below, entry into, transiting, or anchoring within the safety zone are prohibited unless authorized by the Captain of the Port Sault Sainte Marie or a designated representative.

**DATES:** The regulations in 33 CFR 100.922 will be enforced for the Annual Les Cheneaux Islands Antique Wooden Boat Show regulated areas from 7 a.m. to 7 p.m. on August 14, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Lieutenant Deaven Palenzuela, Waterways Management division, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the established special local regulation in 33 CFR 100.922 for the Annual Les Cheneaux Island Antique Wooden Boat Show in Hessel, MI from 7 a.m. to 7 p.m. on August 14, 2021.

This action is being taken to protect the safety of life and property on navigable waters prior to, during, and

immediately after the boat show. Our regulation for marine events within the Ninth Coast Guard District, § 100.922, specifies the location of the regulated area for the Annual Les Cheneaux Islands Antique Wooden Boat Show which encompasses the waters of Marquette Bay, Hessel, MI. During the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port Sault Sainte Marie or a designated representative. Vessels and persons granted permission to enter the special local regulated area shall obey all lawful orders or directions of the Captain of the Port Sault Sainte Marie, or an on-scene representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice of enforcement is issued under authority of 33 CFR 100.922 and 5 U.S.C. 552(a). In addition to this notification publishing in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via Broadcast Notice to Mariners.

Dated: April 28, 2021.

**A.R. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.*

[FR Doc. 2021–09266 Filed 5–3–21; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2020–0603]**

**RIN 1625–AA09**

## Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is modifying the operating schedule that governs the Route 7 Bridge, across the Hackensack River, mile 3.1, at Jersey City, NJ. The bridge owner, New Jersey Department of Transportation (NJDOT), submitted a request to allow the bridge to require four hours advance notice for bridge openings. This final rule would create efficiency in drawbridge operations and better serve the needs of the community while continuing to meet the reasonable needs of navigation.

**DATES:** This rule is effective June 3, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*. Type USCG–2020–0603 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 Ms. Judy Leung-Yee, First Coast Guard District, Project Officer, telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil*.

**SUPPLEMENTARY INFORMATION:**

### I. Table of Abbreviations

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

### II. Background Information and Regulatory History

On November 19, 2020, the Coast Guard published a Notice of Proposed Rulemaking entitled Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ in the **Federal Register** (85 FR 73667). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended on January 19, 2021, we received no comments in response to the NPRM.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority of 33 U.S.C. 499.

The new Route 7 Bridge at mile 3.1 over the Hackensack River at Jersey City, New Jersey, is currently under construction and will have a vertical clearance of 70 feet at mean high water in the closed position and 135 feet at mean high water in the open position. Horizontal clearance is approximately 158 feet. The existing Route 7 Bridge over the Hackensack River has a vertical clearance of 35 feet at mean high water in the closed position and 135 feet at mean high water in the open position. Horizontal clearance is approximately 158 feet.

The waterway users include recreational and commercial vessels including tugboat/barge combinations.

The existing regulation, 33 CFR 117.723(k) published under **Federal Register** 85 FR 8747, effective April 19, 2020, requires the existing bridge open on signal; except that, from 11 p.m. to 7 a.m., the draw shall open on signal if at least two hours advance notice is given by calling the number posted at the bridge.

In August of 2020, the owner of the bridge, New Jersey Department of Transportation, requested a change to the drawbridge operation regulations to the new bridge. The owner anticipates a lower volume of bridge openings given that the new bridge's vertical clearance in the closed position will be double the clearance of the existing bridge.

Under this rule, the new draw would open on signal when at least four hours advance notice is given by calling the number posted at the bridge. This rule change will allow for more efficient and economic operation of the bridge while meeting the reasonable needs of navigation. The Coast Guard is proposing this rulemaking under authority in 33 U.S.C. 499.

The bridge logs show that the Route 7 Bridge had 16 annual openings in 2018, 10 annual openings in 2019, and 6 annual openings in 2020 (through 6/19/2020).

### IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided 60 days for comment regarding this rule and no comments in the docket were received.

There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The final rule provides that the Route 7 Bridge shall open on signal when at least four hours advance notice is given by calling the number posted at the bridge. It is the Coast Guard's opinion that the rule meets the reasonable needs of marine traffic.

Both existing and new bridges will be operated under the current operating schedule until the existing bridge is demolished/removed at which point this final rule will take effect.

### V. Regulatory Analyses

The Coast Guard 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 protesters.

#### *A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive

Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

The Coast Guard believes this rule is not a significant regulatory action. The bridge will still open for all vessel traffic after a four-hour advance notice is given. We believe that this change to the drawbridge operation regulations at 33 CFR 117.723 will meet the reasonable needs of navigation.

*B. Impact on Small Entities*

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

The new Route 7 Bridge provides 70 feet of vertical clearance at mean high water that should accommodate most of the present vessel traffic, except for deep draft vessels. The new bridge will open on signal for any vessel when at least four hours advance notice is given by calling the number posted at the bridge. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact 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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*D. Federalism and Indian Tribal Government*

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

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

*G. Protest Activities*

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

**List of Subjects in 33 CFR Part 117**

Bridges.

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

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.723(k) to read as follows:

**§ 117.723 Hackensack River.**

* * * * *

(k) The draw of the Route 7 Bridge, mile 3.1, at Jersey City, shall open on signal if at least four hours advance notice is given by calling the number posted at the bridge.

Dated: April 27, 2021.

**T.G. Allan, Jr.,**

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

[FR Doc. 2021–09306 Filed 5–3–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket No. USCG–2021–0293]**

### Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in May 2021

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

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce established safety zones for maritime events starting in May 2021 to provide for the safety of life on navigable waterways. Our regulation for safety zones within the Captain of the Port Sault Sainte Marie Zone identifies the regulated area for these safety zones. During the enforcement periods, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Sault Sainte Marie.

**DATES:** The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in Table 1 of the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this publication, call or email Lieutenant Deaven Palenzuela, Waterways Management division, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones in 33 CFR 165.918 as per the time, dates, and locations in Table 1.

TABLE 1

[Datum NAD 1983]

| Event | Location | Event date |
|---|---|---|
| (1) Mackinaw Area Visitors Bureau Friday Night Fireworks; Mackinaw City, MI. | All U.S. navigable waters of the Straits of Mackinac within an approximate 1000-foot radius from the fireworks launch site located in position 45°46′28″ N, 084°43′12″ W. | —May 28, 2021.<br>—June 4, 11, 18, 25.<br>—July 2, 4, 9, 16, 23, 30.<br>—August 6, 13, 20, 27.<br>—September 3, 10, 17, 24.<br>—October 1, 8, 15.<br>9:30 p.m. to 11 p.m.<br>* Alternative rain date is following day, if needed. |

This action is being taken to provide for the safety of life on navigable waterways during the fireworks displays. The regulations for safety zones within the Captain of the Port Sault Sainte Marie Zone, § 165.918, apply for these fireworks displays.

This notice of enforcement is issued under authority of 33 CFR 165.918 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Sault Sainte Marie determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: April 28, 2021.

**A.R. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.*

[FR Doc. 2021–09265 Filed 5–3–21; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket Number USCG–2021–0286]**

**RIN 1625–AA00**

### Safety Zone; Ohio River, Lawrenceburg, IN

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for all navigable waters of the Ohio River, extending the entire width of the river, from mile marker (MM) 490 to MM 492. This safety zone is necessary to provide for the safety of life on these navigable waters near Lawrenceburg, IN during the Tanners Creek Wire Crossing. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley.

**DATES:** This rule is effective from May 3, 2021, through May 8, 2021, from 9 a.m. through 5 p.m. daily, or until operations are complete, whichever occur first.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0286 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Matthew Roberts, Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513–921–9033, email *matthew.d.roberts@uscg.mil.*

**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

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are

''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this regulation by May 3, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

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 necessary to protect persons and property from the dangers associated with the marine event.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the Tanners Creek Wire Crossing, occurring from May 3, 2021 through May 8, 2021 from 9 a.m. until 5 p.m. daily, or until operations are complete, will be a safety concern for all navigable waters on the Ohio River, extending the entire width of the river, from mile marker (MM) 490.0 to MM 492.0. The purpose of this rule is to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event.

## IV. Discussion of the Rule

This rule establishes a safety zone on May 3, 2021 through May 8, 2021 from 9 a.m. until 5 p.m. daily, or until operations are complete on all navigable waters of the Ohio River, extending the entire width of the river, from MM 490 to MM 492. Transit into and through this area is prohibited during periods of enforcement on these dates and times. The periods of enforcement will be prior to, during, and 30 minutes after any vessel movement and wire transfer operations at Tanners Creek. The Coast Guard was informed that the operations will take place between 9 a.m. through 5 p.m. Enforcement of the regulated area will occur while the wire crossing operations are being conducted. A safety vessel will coordinate all vessel traffic during the enforced times of this safety zone. The duration of the safety zone is intended to ensure the safety of life and vessels on these navigable waters before, during, and after the scheduled event. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector Ohio Valley. They may be contacted on VHF–FM Channel 16 or by telephone at 1–800–253–7465. Persons and vessels permitted to enter this regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

## V. Regulatory Analyses

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

### *A. Regulatory Planning and Review*

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. This safety zone will be in place on a 2-mile stretch of the Ohio River from May 3, 2021 though May 8, 2021 from 9 a.m. until 5 p.m. daily, or until operations are complete. The Coast Guard will issue written Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the temporary safety zone, and this rule also allows vessels to seek permission from the COTP or a designated representative to enter the area.

### *B. Impact on Small Entities*

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

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

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

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

### *C. Collection of Information*

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

### *D. Federalism and Indian Tribal Governments*

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

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

*E. Unfunded Mandates Reform Act*

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

*F. Environment*

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone lasting eight hours for six days and extending for two miles that prohibits entry on all navigable waters of the Ohio River from MM 490.0 to MM 492.0. 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 where indicated under **ADDRESSES**.

*G. Protest Activities*

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

**List of Subjects in 33 CFR Part 165**

Harbors, Marine Safety, Navigation (water), Reporting and Recordkeeping Requirements, Security Measures, Waterways.

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0286 to read as follows:

**§ 165.T08–0286 Safety zone; Ohio River, Lawernceburg, IN.**

(a) *Location.* All navigable waters of the Ohio River between mile marker (MM) 490.0 to MM 492.0 in Lawrenceburg, IN.

(b) *Period of enforcement.* This section will be enforced from May 3, 2021 through May 8, 2021, from 9 a.m. until 5 p.m. daily, or until operations are complete, whichever occurs first

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465

(2) Persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector Ohio Valley. They may be contacted on VHF–FM Channel 16 or by telephone at 1–800–253–7465. Persons and vessels permitted to enter this regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Informational broadcasts.* The COTP or a designated representative will issue written Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 about the temporary safety zone, and this rule also allows vessels to seek permission from the COTP or a designated representative to enter the area.

Dated: April 29, 2021.

**A.M. Beach,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.*

[FR Doc. 2021–09386 Filed 5–3–21; 8:45 am]

BILLING CODE 9110–04–P

---

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2021–0294]**

## Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in June 2021

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

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce established safety zones for maritime events starting in June 2021 to provide for the safety of life on navigable waterways. Our regulation for safety zones within the Captain of the Port Sault Sainte Marie Zone identifies the regulated area for these safety zones. During the enforcement periods, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Sault Sainte Marie.

**DATES:** The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in Table 1 of the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this publication, call or email Lieutenant Deaven Palenzuela, Waterways Management division, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zones in 33 CFR 165.918 as per the time, dates, and locations in Table 1.

TABLE 1

[Datum NAD 1983]

| Event | Location | Event date |
|---|---|---|
| (2) Jordan Valley Freedom Festival Fireworks, East Jordan, MI. | All U.S. navigable waters of Lake Charlevoix, near the City of East Jordan, within the arc of a circle with an approximate 1200-foot radius from the fireworks launch site in position 45°09′18″ N, 085°07′48″ W. | June 26, 2021 from 10 p.m. to 10:30 p.m. |
| (3) Grand Marais Splash In; Grand Marais, MI. | All U.S. navigable waters within the southern portion of West Bay bound within the following coordinates: 46°40′22.08″ N, 085°59′0.12″ W, 46°40′22.08″ N, 85°58′22.08″ W, and 46°40′14.64″ N, 85°58′19.56″ W, with the West Bay shoreline forming the South and West boundaries of the zone. | June 19, 2021 from 2 p.m. to 4 p.m. |
| (4) Festivals of Fireworks Celebration Fireworks; St. Ignace, MI. | All U.S. navigable waters of East Moran Bay within an approximate 1000-foot radius from the fireworks launch site at the end of the Starline Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W. | —June 26.<br>—July 4, 10, 17, 24, 31.<br>—August 7, 14, 21, 28.<br>—September 25.<br>—October 2.<br>9:30 p.m. to 10:30 p.m.<br>* Alternative rain date is following day, if needed. |

This action is being taken to provide for the safety of life on navigable waterways during the fireworks displays. The regulations for safety zones within the Captain of the Port Sault Sainte Marie Zone, § 165.918, apply for these fireworks displays.

This notice of enforcement is issued under authority of 33 CFR 165.918 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Sault Sainte Marie determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: April 28, 2021.

**A.R. Jones,**

*Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.*

[FR Doc. 2021–09264 Filed 5–3–21; 8:45 am]

**BILLING CODE 9110–04–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 20, and 68

**[WT Docket No. 20–3; FCC 21–28; FRS 17406; 23223]**

### Standards for Hearing Aid-Compatible Handsets

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (''Commission'') incorporates by reference into its wireless hearing aid compatibility rules ANSI C63.19–2019 (2019 ANSI Standard) and ANSI/TIA–5050–2018 (Volume Control Standard). These standards will be used to evaluate the hearing aid compatibility of wireless handsets.

**DATES:**

*Effective date:* Effective June 3, 2021, except for amendatory instruction 5 (§ 20.19(f), (h)(1), and (i)) which is delayed. We will publish a document in the **Federal Register** announcing the effective date for these revised provisions.

*Incorporation by reference:* The incorporation by reference of certain standards into the Commission's wireless hearing aid compatibility rules is approved by the Director of the Federal Register as of June 3, 2021. The incorporation by reference of ANSI C63.19–2007 and ANSI C63.19–2011 were approved by the Director of the Federal Register as of June 6, 2008 and August 16, 2012, respectively.

*Compliance Date:* The March 1, 2021 volume control requirement deadline in § 20.19(b)(1) and (f)(1)(ii) was suspended as of February 16, 2021.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Eli Johnson, *Eli.Johnson@fcc.gov,* Competition & Infrastructure Policy Division, Wireless Telecommunications Bureau, (202) 418–1395.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* in WT Docket No. 20–3, FCC 21–28, adopted on February 16, 2021 and released on February 22, 2021. The full text of this document is available for public inspection online at *https://www.fcc.gov/edocs*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format, etc.), and reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) may be requested by sending an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

### Incorporation by Reference

The Office of Federal Register (OFR) regulations require that agencies must discuss in the preamble of a final rule the ways that the materials incorporated by reference are reasonably available to interested parties and that interested parties can obtain the materials. In addition, OFR regulations require that the preamble of a final rule summarize the material incorporated by reference. This discussion summarizes and indicates the availability of the 2019 ANSI Standard and the Volume Control Standard.

*ANSI C63.19–2019 (2019 ANSI Standard) is officially known as:* Accredited Standards Committee C63®—Electromagnetic Compatibility, American National Standard Methods of Measurement of Compatibility Between Wireless Communications Devices and Hearing Aids (approved August 19, 2019). It is an industry approved technical standard for determining hearing aid compatibility between wireless handsets and hearing aids. The standard is available for inspection at the Federal Communications

Commission, 45 L Street NE, Reference Information Center, Room 1.150, Washington, DC 20554, (202) 418–0270. The standard is also available for purchase from IEEE Operations Center, 445 Hoes Lane, Piscataway, NJ 08854–4141, by calling (732) 981–0060, or going to *https://standards.ieee.org/*.

*ANSI/TIA–5050–2018 (Volume Control Standard) is officially known as:* Telecommunications—Communications Products—Receive Volume Control Requirements for Wireless (Mobile) Devices (approved January 17, 2018). It is an industry approved technical standard used to evaluate the volume control capabilities of wireless handsets. The standard is available for inspection at the Federal Communications Commission, 45 L Street NE, Reference Information Center, Room 1.150, Washington, DC 20554, (202) 418–0270. The standard is also available for purchase from Telecommunications Industry Association, 1320 North Courthouse Road, Suite 200, Arlington, VA 22201, by calling (703) 907–7700, or by visiting *https://global.ihs.com/csf_home.cfm*?&csf=TIA.

The *Report and Order also references two additional standards:* ANSI C63.19–2007 and ANSI C63.19–2011. Like the 2019 ANSI Standard, these standards are industry approved technical standards for determining hearing aid compatibility between wireless handsets and hearing aids. These two standards were previously incorporated by reference into the Commission's rules and that use is unchanged. They are available from the IEEE at IEEE Operations Center, 445 Hoes Lane, Piscataway, NJ 08854–4141, by calling (732) 981–0060, or going to *https://standards.ieee.org/*.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Report and Order*.

**Paperwork Reduction Act**

The requirements in revised § 20.19(f), (h)(1), and (i) constitute new or modified collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. They will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new information collection requirements contained in this proceeding. This document will be submitted to OMB for review under section 3507(d) of the PRA. In addition, the Commission notes that, pursuant to the Small Business Paperwork Relief Act of 2002, it previously sought, but did not receive, specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission describes impacts that might affect small businesses, which includes more businesses with fewer than 25 employees, in the FRFA.

**Congressional Review Act**

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will include a copy of this *Report and Order* in a report sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**Synopsis**

1. The Commission updates its wireless hearing aid compatibility requirements to ensure that tens of millions of Americans with hearing loss have access to the same types of technologically advanced handsets as those without hearing loss.

2. Recently, a new ANSI standard (the 2019 ANSI Standard) was developed through a voluntary, consensus-driven approach. The new standard requires that the handset meet volume control specifications, applies to a wider range of frequency bands and technologies, replaces the current rating system with a more consumer-friendly approach, and harmonizes testing methodologies with international standards.

3. The Commission's rules require both device manufacturers and service providers to offer consumers a minimum number of wireless handset models that meet specified technical standards for compatibility with different types of hearing aids through acoustic coupling and inductive coupling. Manufacturers and service providers must offer a minimum number of compliant handset models for each ''air interface'' based on the total number of handset models that they offer. The Commission's rules currently require handset manufacturers to ensure that at least 66% of their handset models are hearing aid-compatible, with that minimum increasing to 85% on October 21, 2021. Likewise, national wireless carriers are currently required to ensure that at least 66% of their handset models are hearing aid-compatible, with that minimum increasing to 85% on April 4, 2022. These requirements for manufacturers and service providers are subject to a *de minimis* exception. The Commission has stated that it will decide by 2024 whether to require that 100% of handsets be hearing aid-compatible.

4. The Commission's rules also include a volume control requirement, adopted in October 2017, which is designed to accommodate all people with hearing loss, including those who do not use hearing aids. Under the current rules, beginning on March 1, 2021, manufacturers must ensure that all wireless handset models newly submitted for hearing aid compatibility certification are ''equipped with volume control that produces sound levels suitable for persons with hearing loss (including persons with and without hearing aids).''

5. The Commission's hearing aid compatibility rules currently incorporate a 2011 version of ANSI's hearing aid compatibility standard (2011 ANSI Standard) to determine if a handset is hearing aid-compatible. In September 2019, the Accredited Standards Committee C63®-Electromagnetic Compatibility (ANSI Committee) asked the Commission to incorporate the 2019 ANSI Standard into the Commission's wireless hearing aid compatibility rules. The 2019 ANSI Standard makes several significant revisions in the processes for determining the compatibility between wireless handsets and hearing aids. Specifically, the 2019 ANSI Standard requires that handsets meet volume control specifications in order to be considered hearing aid-compatible under that standard. In order to pass the volume control requirement, a handset must meet a two-part test. The first part of the requirement tests for conversational gain with a hearing aid, and the second part of the requirement tests for conversational gain without a hearing aid. To pass the first part of the requirement, a handset must have at least 6 dB of conversational gain with a hearing aid, and to pass the second part of the requirement, a handset must have at least 18 dB of conversational gain without a hearing aid. In addition, the 2019 ANSI Standard addresses additional technologies and devices operating in a wider frequency range of

614 MHz to 6 GHz, which now includes the 614–698 MHz band made available for wireless use by the repacking of television broadcast operations. Further, the 2019 ANSI Standard replaces the present numerical M/T rating system with a set of requirements and thresholds that determines compatibility. The 2019 ANSI Standard also reduces the testing burden on handset manufacturers by allowing them to perform certain simple tests first to determine compatibility with acoustic coupling (which may eliminate the need to perform more time-consuming tests); the new standard also reduces the testing burden on hearing aid manufacturers by conforming testing protocols for hearing aids with international standards. The ANSI Committee asserts that, as a result of these changes, the new standard will improve the experience of hearing aid users, including those who use cochlear implants, while at the same time reducing testing burdens.

6. In January 2020 (85 FR 13119, March 6, 2020), the Commission released a notice of proposed rulemaking (*NPRM* or *2020 ANSI Standard NPRM*) proposing to adopt the 2019 ANSI Standard as the exclusive testing standard for determining the compatibility of wireless handsets and a two-year transition from the current 2011 ANSI Standard. The *NPRM* also sought comment on whether to continue to maintain the exemption from hearing aid compatibility requirements for those wireless handsets operating with frequencies above 6 GHz. In addition, the Commission proposed to extend the current deadline for implementing volume control requirements so that it aligns with the date that the 2019 ANSI Standard becomes the exclusive testing standard for hearing aid compatibility. The *NPRM* also sought comment on updating the rules to make changes related to implementing the 2019 ANSI Standard, particularly with respect to labeling and disclosure and to remove unnecessary or superseded rule provisions. The *NPRM* generally sought comment on whether these proposals would improve the experience of hearing aid users as well as reduce regulatory burdens for handset manufacturers and service providers.

7. In this *Report and Order,* the Commission incorporates the 2019 ANSI Standard into its rules and makes it the exclusive testing standard for determining hearing aid compatibility after a two-year transition. In addition, the Commission extends the current volume control deadline so that it coincides with the start of the exclusive use of the 2019 ANSI Standard. Further, the Commission makes corresponding implementation changes to its rules, and refines its hearing aid compatibility labeling requirements. Finally, the Commission removes past transition dates and benchmarks and make other technical changes to the rules.

*A. Codification of the 2019 ANSI Standard*

8. As proposed in the *NPRM,* the Commission adopts the 2019 ANSI Standard and the ANSI/TIA Volume Control Standard and incorporates the new standards into the Commission's hearing aid compatibility rules by reference as the exclusive technical standards for evaluating the hearing aid compatibility of wireless handsets and volume control after a two-year transition from the 2011 ANSI Standard. The Commission has long recognized that its hearing aid compatibility rules should evolve as revisions to the ANSI standards are developed over time. The Commission has encouraged the ANSI Committee to work with relevant stakeholders to review hearing aid compatibility issues periodically and to determine whether improvements to the standard are warranted. The Commission appreciates the work the ANSI Committee has undertaken with respect to developing the 2019 ANSI Standard, and the Commission incorporates the new standard into its rules by concluding, pursuant to section 710 of the Communications Act, that compliance is necessary to ensure reasonable access to telephone service by persons with impaired hearing.

9. The new standard improves the measurement of potential hearing aid interference and, as a result, improves the listening experience for those who use hearing aids. Further, for the first time, the standard incorporates a volume control requirement that will provide significant benefits to persons with hearing loss, whether or not they use hearing aids. In addition, the new standard covers new technologies and devices and expands the covered frequency range from the current frequency range of 698 MHz to 6 GHz to a new frequency range from 614 MHz to 6 GHz. This expanded frequency range means that handsets operating in the frequencies assigned in the Commission's Broadcast Incentive Auction can also be certified as hearing aid-compatible over those frequencies. The new standard also eliminates the current numerical M/T rating system, which hearing aid users found to be confusing, and replaces it with a more consumer-friendly system. Under this new system, a handset certified as hearing aid-compatible is considered to operate at the equivalent of the M3/T3 levels or better even though the new standard does not use the category rating system. The ANSI committee eliminated the category rating system because hearing aid users found it to be confusing. Under the new standard, a handset is certified as hearing aid-compatible without an assigned rating. Further, the new standard reduces testing burdens for wireless handset manufacturers by allowing certain simple tests be done first to determine compatibility with acoustic coupling, while maintaining an exemption from radiofrequency testing for low power air interfaces. Finally, the new standard also harmonizes with other international hearing aid standards, which helps reduce regulatory burdens for hearing aid manufacturers. Based on these enhancements to the ANSI standard, the Commission finds that incorporating the 2019 ANSI Standard into its rules is in the public interest.

10. The Commission notes that commenters broadly support incorporation of the new standard into its rules. Consumer organizations strongly support implementation of the 2019 ANSI Standard. Industry organizations report that the new standard will encourage competition and advance the public interest and applaud the Commission for ensuring the availability of wireless handsets that will meet the needs of individuals with hearing loss. Industry commenters agree that adopting the new standard will simplify testing and reporting requirements, which will benefit both consumers and manufacturers.

11. Schmid and Partner Engineering AG (Schmid), a manufacturer of hearing aid compatibility testing equipment, raises technical concerns about certain testing requirements for measuring compatibility with acoustic and inductive coupling under the new standard. Specifically, regarding testing of acoustic coupling, Schmid argues that the 2019 ANSI Standard should not permit the use of D-Dot probes for measuring radiofrequency emissions because such probes will lead to inconsistent results, as compared to the use of isotropic probes manufactured by Schmid. With regard to the testing of inductive coupling, Schmid argues that the desired and ambient (noise) undesired T-Coil magnetic field limits set forth in the 2019 ANSI Standard, which Schmid alleges are more restrictive than the limits set forth in the 2011 ANSI Standard, could lead to unclear testing results and increased testing burden and costs.

12. As an initial matter, the Commission notes that both areas of

concern were discussed and addressed in the ANSI comment resolution process to the satisfaction of the ANSI Committee, and, thereafter, the committee voted to adopt the new standard. The 2019 ANSI Standard, as with ANSI standards generally, was developed through a voluntary, consensus-driven approach and is broadly supported by both industry and consumer groups.

13. Regarding Schmid's specific concern that allowing D-Dot probes to test acoustic coupling can create inconsistent results, the Commission agrees with commenters that any such uncertainty does not make the use of D-Dot probes unsuitable for testing. All measurements are subject to a certain degree of uncertainty, and labs can factor such uncertainties into their calculations to assess the overall reliability of test results. PCTEST explains that some risks associated with using D-Dot probes were mitigated through revisions to the standard. Moreover, the use of D-Dot probes for testing of acoustic coupling provides certain benefits relative to the use of isotropic probes; in particular, the D-Dot probe is less expensive and more widely available. Further, the Commission notes that the use of D-Dot probes for testing of acoustic coupling is optional under the 2019 ANSI standard, which means that labs can use isotropic probes if they encounter an issue with D-Dot probes. Accordingly, the Commission disagrees with Schmid that the D-Dot probe is unacceptable or that use of isotropic probes should necessarily be preferred.

14. Regarding Schmid's concern about the standard's T-Coil magnetic field limits for testing of inductive coupling, the Commission agrees with commenters that the standard's T-Coil requirements are technically sound as a result of years of study and collaboration. As PCTEST explains, testing during the development of the standard established that the standard's limits are both feasible for manufacturers and tolerable for hearing aid users. Given that the record demonstrates careful consideration of these limits during the ANSI process, the Commission sees no reason for concern with adopting these limits, as part of the 2019 ANSI Standard, into its rules.

15. Finally, with respect to Schmid's concerns about unclear test results and testing burdens and costs, the Commission notes that the new standard was developed over a period of years, subject to five rounds of review, and approved and published by the ANSI Committee in August 2019. The ANSI Committee considers the new standard ''a significant advancement'' over prior versions and notes that a ''continuing goal [is] to keep the testing burden as low as possible and still meet the needs of the standard and, more importantly, of hearing aid wearers.'' Julstrom adds that ''the requirements laid out in this revision are the result of years of study and collaboration and have been thoroughly vetted.'' No other commenter raises concerns about unclear test results or increased burdens and costs. Given this proceeding's record and the years of study and collaboration that went into developing the new standard, the Commission rejects Schmid's concerns. The Commission also notes that, if testing labs request clarification of testing procedures, the Commission's Office of Engineering and Technology (OET) can provide guidance through the issuance of Knowledge Database (KDB) publications.

16. *Frequencies Above 6 GHz.* Recognizing that the 2019 ANSI Standard, like the 2011 ANSI Standard, does not address frequencies above 6 GHz, the *NPRM* sought comment on whether hearing aid compatibility testing was needed in higher frequencies. Higher millimeter wave frequencies were not commonly used in mobile handsets at the time that the 2019 ANSI Standard was being developed. However, the *NPRM* sought comment on whether to continue to exempt handsets operating in frequencies above 6 GHz from the statutory hearing aid compatibility requirements. Based on the record, the Commission declines to lift the exemption that currently excludes frequencies above 6 GHz from hearing aid compatibility requirements.

17. Section 710 of the Communications Act of 1934, as amended, exempts ''telephones used with public mobile services'' from the hearing aid compatibility requirements, but it directs the Commission to assess periodically the ''appropriateness of continuing in effect'' the exemption and to revoke or otherwise limit the exemption if certain factors are met. The Commission must revoke or limit the exemption if it determines that: (1) Such revocation or limitation is in the public interest; (2) continuation of the exemption without such revocation or limitation would have an adverse effect on individuals with hearing loss; (3) compliance with the requirements adopted is technologically feasible for the telephones to which the exemption applies; and (4) compliance with the requirements adopted would not increase costs to such an extent that the telephones to which the exemption applies could not be successfully marketed. In conjunction with adopting the Commission's initial requirements for hearing aid compatibility for wireless handsets, the Commission revoked the statutory exemption as to wireless handsets operating below 6 GHz; the Commission has not addressed the exemption with respect to handsets operating on frequencies above 6 GHz.

18. In the past, the Commission generally has relied on an ANSI technical standard to demonstrate technological feasibility. These standards are developed by interested parties—which may include handset manufacturers, service providers, consumer groups, testing bodies, and others—working together to reach a consensus standard that the ANSI Committee presents to the Commission for incorporation into its rules. The Commission has never developed its own technical standard for testing for hearing aid compatibility or modified an existing technical standard. Absent an applicable technical standard that reflects a broad-based agreement as to its utility, soundness, and practicality for implementation, the Commission declines to conclude that compliance with hearing aid compatibility standards for frequencies above 6 GHz is technically feasible or that lifting the statutory exemption is in the public interest. Rather, the Commission requests that the ANSI Committee work with all relevant stakeholders to develop a new standard that addresses hearing aid compatibility in frequencies above 6 GHz.

19. Most commenters addressing this issue agree that the Commission should continue to exempt handset operations in frequencies above 6 GHz from hearing aid compatibility requirements until the ANSI Committee develops a new standard. For example, Samsung maintains that the Commission should defer to the ANSI Committee and only should consider lifting the exemption after ANSI issues a revised standard covering frequencies above 6 GHz. Schmid, however, recommends that the Commission include frequencies above 6 GHz for devices incorporating 5G New Radio FR2 technology to evaluate hearing aid compatibility. Schmid does not explain how the Commission should do so in the absence of a standard that covers such frequencies but states that it is willing to provide the Commission with more information on how it believes these evaluations could be performed. Rather than developing a Commission-derived technical standard for frequencies above 6 GHz, the Commission will continue with its well-

established policy of allowing all relevant parties to work through the ANSI process to develop a consensus-driven standard that the Commission may consider for purposes of incorporating into its rules and potentially lifting the current statutory exemption.

20. *Certification of Handsets with Non-Covered Operations.* As proposed in the *NPRM,* the Commission will maintain § 20.19(b)(3)(i) of its rules, which provides that a handset model is considered hearing aid-compatible if it is certified as hearing aid-compatible under an applicable technical standard for all covered air interfaces and frequency bands even though the handset may also allow operations on air interfaces and frequency bands not covered by that technical standard. CTIA supports this approach. Further, consistent with past practice, if a handset model certified as hearing aid-compatible under an outdated standard is later submitted for a Class II permissive change, as defined by the Commission's rules, after the end of the transition period that handset model would have to be updated and recertified under the 2019 ANSI Standard.

*B. Transition Period*

21. *Two-Year Transition Period.* The Commission adopts the proposal in the *NPRM* to make the 2019 ANSI Standard the exclusive testing standard after a two-year transition period. The two-year phase-in period for this new standard will begin on the effective date of the final rule. After this two-year transition period expires, handset manufacturers and service providers may only use the 2019 ANSI Standard to certify new handset models as hearing aid-compatible. The Commission previously has relied on a two-year transition period when transitioning to new technical standards. The Commission finds that using a two-year transition period again is in the public interest. A two-year transition period appropriately balances the design, engineering, and marketing requirements of manufacturers and service providers with the needs of consumers with hearing loss.

22. During the two-year transition period, handset manufacturers and service providers may use either the 2011 or the 2019 ANSI Standard when certifying new handset models. This approach is consistent with past practice, and it takes into consideration the typical handset industry product development cycle. There already may be new handset models in the design phase that are based on being certified under the 2011 ANSI Standard rather than the 2019 ANSI Standard. CTIA, PCTEST, and Samsung support a two-year transition period for manufacturers before requiring the exclusive use of the new testing standard. Further, as Samsung and PCTEST state, a two-year transition period will allow sufficient time for test labs and manufacturers to make the upgrades necessary to comply with the new standard.

23. The Commission disagrees with CTIA's suggestion that service providers should be given an additional year to transition to the new testing standard. While CTIA supports a two-year transition period for manufacturers, it argues that service providers need additional time to conduct trials and otherwise to test on their networks those handsets certified under the new standard. CTIA claims that these trials can only begin after manufacturers design and test devices to the new standard; therefore, it requests that the Commission allow service providers an additional 12-month transition period beyond what the Commission is adopting for device manufacturers. In support of its position, CTIA draws an analogy to when the Commission imposes new deployment benchmarks on handset manufacturers and service providers that require them to increase the number of hearing aid-compatible handset models that they offer for sale. CTIA, however, does not cite any Commission precedent for granting service providers additional time to meet a new ANSI standard.

24. Contrary to the situation in which the Commission imposes new handset deployment benchmarks, the Commission is not requiring service providers to offer a certain number of handsets certified under the new ANSI standard and, therefore, there is no need to extend the service provider transition period. Even though after the two-year transition new handset models must be certified as hearing aid-compatible using the new ANSI standard, service providers can continue offering handsets certified under older ANSI standards to meet deployment benchmarks until they are ready to offer handset models certified under the new standard. Further, delaying the service provider transition period by an additional year would delay consumers' receipt of the benefits of the new testing standard, including the much-needed benefits of the new wireless volume control standard. Accordingly, the Commission finds that providing an additional year for service providers to transition to the 2019 ANSI Standard is unnecessary and would not benefit consumers.

25. *Exclusive Use of a Standard.* Consistent with the Commission's long-established certification practice, manufacturers will continue to be required to test a new handset model exclusively under either the 2011 ANSI Standard or the 2019 ANSI Standard during the transition period. Once the transition period ends, new handset models can only be certified using the 2019 ANSI Standard; these models must meet all aspects of the standard, including the volume control requirements, over all covered frequency bands to be considered hearing aid-compatible.

26. *100% Finding.* The Commission also finds that adopting a two-year transition period does not require us at this time to adjust the future timeframe for the Commission to consider whether to require 100% of covered handsets to be hearing aid-compatible. In November 2015, interested parties agreed to form an independent task force or consensus group to provide for a process to move away from the current fractional benchmark regime, with the ultimate goal of 100% compatibility—subject to the Commission's assessment of whether such 100% compatibility is achievable. The task force's final report is presently due by December 31, 2022, and the Commission has stated its intent to make a final determination on whether 100% compatibility is achievable by no later than 2024. In the *NPRM,* the Commission sought comment on what effect the proposed transition period could have on the 2024 timeframe for it to consider whether to require 100% of covered handsets to be hearing aid-compatible.

27. HIA argues that adoption of the new testing standard should not be used to justify extending the pending 2024 finding. But CTIA and Samsung assert that it is too soon in the transition to assess whether the new standard will affect the Commission's ability to decide by 2024 whether 100% compatibility is achievable. CTIA further contends that the Commission should not make this determination before receiving the task force's recommendation. The Hearing Loss Association of America (HLAA), while not taking a position with respect to extending the date for the pending 100% finding, states that it ''strongly believe[s] that one-hundred percent [hearing aid compatibility] offerings should continue to be the goal.'' The Commission agrees that 100% compatibility is the goal and that it is too early in the transition to the new ANSI standard for us to determine whether an adjustment to the 100% achievability timeline is warranted. The Commission will continue to monitor

the transition to the new ANSI standard. In the meantime, the Commission declines to adjust the 2024 timeframe.

*C. Extension of Volume Control Requirement*

28. As proposed in the *NPRM,* the Commission extends the March 1, 2021 deadline in the Commission's volume control rule to align with the start date for exclusive use of the 2019 ANSI Standard. The Commission finds that, given the close proximity of the current volume control deadline, the extension will provide manufacturers additional time to make the handset model design changes needed to meet the volume control requirements. We find good cause to suspend the March 1, 2021, volume control deadline immediately upon adoption of this Report and Order. We take this action to ensure handset manufacturers will not need to comply with this deadline in the event that the rule change's publication in the **Federal Register** does not occur soon enough in time for the amendment to become effective before the March 1, 2021 deadline. The 2019 ANSI Standard is the first wireless testing standard to implement a volume control requirement, and the record shows that the pending March 1, 2021 deadline does not allow manufacturers sufficient time to implement the volume control requirement that is part of the new ANSI standard. CTIA and Samsung support aligning the volume control deadline with the exclusive use deadline for the new standard. The Commission did not receive comments objecting to this approach.

29. Accordingly, beginning on the date that the 2019 ANSI Standard becomes the exclusive testing standard, all wireless handset models submitted for hearing aid compatibility certification must meet the 2019 ANSI Standard's volume control requirement (as well as the other parts of this standard) in order to be certified as hearing aid-compatible. Handsets submitted for certification under the 2019 ANSI Standard during the two-year transition period similarly must meet the volume control requirement and all other requirements of that standard. The Commission notes, however, that handsets submitted for certification under the 2011 ANSI standard during the transition period will not need to provide volume control capability.

*D. Meeting Deployment Benchmarks*

30. Consistent with past Commission practice, the Commission adopts its proposal to allow manufacturers and service providers to meet deployment benchmark requirements by counting handset models certified under the 2019 ANSI Standard or earlier versions of the standard (*i.e.,* the 2007 and 2011 versions of the standard) as long as these models are still being offered for sale. If the handset model at issue is still being offered for sale and has been certified as hearing aid-compatible under an applicable ANSI standard, then handset manufacturers and service providers can count that handset for deployment purposes. The decision is consistent with the Commission's standard practice when transitioning to a new or revised technical standard. With respect to the 2019 ANSI Standard, for the handset to be certified as hearing aid-compatible over a covered air interface, the handset must meet the requirements for both acoustic and inductive coupling modes for that air interface, including the volume control requirements. CTIA, PCTEST, and Samsung support this approach, and no commenter opposed this proposal.

31. As more and more handset models become certified under the 2019 ANSI Standard, the Commission expects that handset manufacturers and service providers will replace handset models in their portfolios certified under older versions of the ANSI standard with models certified under the new standard. Handset manufacturers and service providers are required to ensure that 66% of the handset models they offer are hearing aid-compatible, and the Commission anticipates that handsets meeting the 2019 ANSI Standard will be readily available by the end of the transition period. Further, the Commission agrees with commenters that re-testing existing handset models for certification under the 2019 ANSI Standard could be burdensome and redundant. In addition, if the Commission were to deviate from the precedent of grandfathering existing handset models for benchmark purposes, some handset manufacturers and service providers might be pressed to meet the new deployment benchmarks. The Commission declines to jeopardize compliance with the existing and upcoming deployment benchmarks, which also might deter the offering of older hearing aid-compatible handset models to consumers, particularly in the absence of record evidence from consumers advocating that the Commission act in a different manner. For these reasons, the Commission finds it in the public interest to allow handset manufacturers and service providers to meet deployment benchmarks using all handset models certified as hearing aid-compatible as long as these handsets are still offered for sale.

*E. Labeling Requirements*

32. Consistent with the Congressional directive to ensure that consumers have sufficient information to make informed purchasing decisions when selecting hearing aid-compatible handsets, and in light of the Commission's adoption of the 2019 ANSI Standard and establishment of a transition period, the Commission revises the labeling and disclosure requirements in its rule to make them more informative, consumer-friendly, and less burdensome. Specifically, the Commission revises the organization of § 20.19(f) of its rules to include a part that addresses package labeling requirements and a part that addresses requirements for package inserts and user manuals. Each part includes requirements for the placement and content of information related to the hearing aid compatibility or volume control capability of wireless handsets, relevant to handsets certified under the 2019 ANSI Standard or an earlier version of the ANSI standard. These requirements generally are consistent with the proposals in the *NPRM,* except that the Commission modifies its volume control labeling proposal to require that the conversational gain of the handset both with and without a hearing aid be placed on the handset's package label. Further, the Commission elaborates on the explanations that must be included in a hearing aid-compatible handset's package insert or user manual.

33. The Commission's current labeling rule is composed of four parts that address what information has to be included on a hearing aid-compatible handset's package label and what other information must be provided to consumers in other formats. The *NPRM* proposed to reorganize the current labeling rule into three parts rather than four parts. After reviewing the record, the Commission determines that organizing the rule into two parts is more in keeping with its goal of streamlining the rule and making it easier to follow. The Commission finds that this reorganization and the revisions to its labeling rule are in the public interest and consistent with the Commission's Congressional directive to ensure that consumers have sufficient information to make informed purchasing decisions when selecting hearing aid-compatible handsets. The revisions allow consumers to easily compare the different functions of hearing aid-compatible handsets when purchasing a new handset, and they allow handset manufacturers and

service providers flexibility in designing their own package labels and conveying supplemental information. Commenters uniformly support the Commission's proposal to streamline and modernize the labeling rule and to make labels, package inserts, and user manuals more informative, consumer-friendly, and less burdensome. The Commission addresses each of these requirements in turn below.

34. *Package Label.* Consistent with the *NPRM,* the Commission modifies § 20.19(f)(1)(i) and (ii) to require a hearing aid-compatible handset's package label to expressly state that the handset is hearing aid-compatible and to quantify the handset's volume control capability if the handset is certified using the 2019 ANSI Standard. These requirements ensure that the most pertinent consumer information is placed on the handset's package label. Consumers will be able to quickly ascertain whether a handset is hearing aid-compatible and to identify the handset's volume control capabilities if it is certified using the 2019 ANSI Standard. Consumers who are interested in more detailed information about a handset's capabilities will be able to find this additional information in the user manual or package insert.

35. Section 20.19(f)(1)(i) of the Commission's current rule requires handset manufacturers and service providers to ensure that the package label for hearing aid-compatible handsets identifies the handset as hearing aid-compatible by displaying the handset's ANSI rating. We decline to adopt one commenter's request to change the term ''hearing aid-compatible'' to ''telecoil'' or ''T-Coil'' in our rule. Such a change is unnecessary and may cause further confusion by specifying a single technology. Our use of ''hearing aids'' or ''hearing aid users'' refers to ''cochlear implants'' or ''users of cochlear implants.'' The Commission's revised rule maintains the requirement that handset manufacturers and service providers identify hearing aid-compatible handsets by requiring the package label to state that the handset is hearing aid-compatible. As proposed in the *NPRM,* the Commission moves the required disclosure of the ANSI rating from the package label to the package insert or user manual. The Commission makes this change in recognition of the fact that the 2019 ANSI Standard does not use the numerical M/T rating system of older standards. Under the new standard, a handset is assessed as either hearing aid-compatible or not without receiving a numerical rating. Accordingly, the numerical ratings will become less relevant to consumers after the transition period. Further, consumers may not realize that a handset labeled as hearing aid-compatible but without a rating has actually been certified under a more recent testing standard that may provide a better listening experience than a handset with an M/T rating. The ANSI Committee eliminated the numerical M/T rating system to make purchasing a hearing aid-compatible handset more consumer friendly. Finally, handset manufacturers and service providers will be phasing-out handsets that have M/T ratings. The Commission did not receive any comments objecting to this approach. For these reasons, the Commission finds it is in the public interest to move the rating labeling requirement from the package label to the package insert or user manual. Consistent with our current rule, we will continue to require that the ANSI rating that is included in the package insert or user manual be the lowest rating the handset achieves if it has different ratings over its air interfaces or frequency bands.

36. Consistent with the Commission's proposal in the *NPRM,* it also requires a handset's package label to include the handset's volume control capabilities when the handset has been certified using the 2019 ANSI Standard. Because the 2019 ANSI Standard articulates certain details that are not reflected in the Commission's current volume control label requirement adopted in 2017, certain commenters have asked for clarification of the current volume control label requirement. Specifically, § 20.19(f)(1)(ii) states that, if a ''handset has been certified as compliant with a technical standard that specifies acceptable numerical metrics or qualitative ratings for handset volume control, the labeling shall include the relevant volume control metrics or ratings.'' Samsung asks the Commission to clarify that a handset is compliant with the volume control label requirement if the label states that it ''provides over 6 dB of conversational gain.'' PCTEST states that, although it understands the benefits of Samsung's proposal, it would be better for consumers if the Commission required package labels to list the actual amount of conversational gain.

37. The Commission modifies its existing volume control label rule by removing the language regarding metrics and qualitative rating and replacing it with actual conversational gain testing results. The volume control standard that the Commission incorporates into its rules tests for volume control using a conversational gain standard that must be met both with and without hearing aids. Accordingly, the Commission requires handset manufacturers and service providers to include on a hearing aid-compatible handset's package label the handset's actual conversational gain both with and without hearing aids if the handset is certified using the 2019 ANSI Standard. Consistent with § 20.19(f)(1)(ii), in cases where the actual conversational gain with a hearing aid differs depending on the air interfaces or frequency band being used, the package label should include the lowest actual conversational gain with a hearing aid. Having the actual conversational gain both with and without hearing aids on the package label will benefit consumers who use hearing aids and those who do not use hearing aids but have hearing loss.

38. *Package Inserts and User Manuals.* Consistent with the Commission's labeling proposal, the Commission requires handset manufacturers and service providers to include the following information in package inserts or user manuals for hearing aid-compatible handsets: (1) That the handset is hearing aid-compatible; (2) the ANSI standard used to determine the hearing aid compatibility of the handset model's air interfaces and frequency bands; (3) if using the 2011 ANSI Standard or an earlier version of the standard, the lowest hearing aid compatibility rating assigned to any of the covered air interfaces or frequency bands; (4) the air interfaces or frequency bands on handsets that are not certified to be hearing aid-compatible, if applicable, or have been determined to be hearing aid-compatible under special testing circumstances; and (5) if a handset model was not certified as hearing aid-compatible over all of its air interfaces or frequency bands, a prescribed disclosure notifying consumers of this fact and that they should test the handset thoroughly and in different locations. In addition, consistent with the Commission's current labeling rule, package inserts and user manuals for hearing aid-compatible handsets must include an explanation of the ANSI rating system as well as an explanation of a handset's volume control capabilities. Further, if an air interface has been determined to be hearing aid-compatible under special testing circumstances, the package insert or user manual must disclose this information to consumers and explain how this affects the use and operation of the handset.

39. Further, consistent with the Commission's proposal, it requires package inserts and user manuals to

disclose if a handset model has been certified as hearing aid-compatible over some of its air interfaces or frequency bands but not over all of its air interfaces or frequency bands; in such circumstances, the Commission requires that the prescribed disclosure language currently in its rule continues to be used. Also, consistent with the Commission's proposal, it requires that package inserts and user manuals disclose if a handset has been certified as hearing aid-compatible under special testing circumstances. The Commission's current rule does not prescribe specific disclosure language relating to special testing circumstances and the Commission did not propose any specific language in the *NPRM* to be used in these circumstances. In the case of one specific instance, however, the Commission's current rule does require that special testing circumstance be disclosed to consumers and that the disclosure explain the impact of these special testing circumstances on the use of the handset. While the Commission's current rule gives handset manufacturers and service providers the discretion to provide the above disclosures to consumers through clear and effective means such as the use of call-out cards or other media, revisions to packaging materials, or supplying of information on websites, the Commission now requires that manufacturers and service providers include this information in package inserts or user manuals.

40. The Commission disagrees with comments suggesting that it should relax the above disclosure requirements and allow handset manufacturers and service providers leeway to modify the prescribed disclosure language related to handsets that are not hearing aid-compatible over all of their air interfaces and frequency bands and to determine when and how this language is included. The prescribed disclosure language currently in the Commission's rule has been a part of its hearing aid compatibility labeling rule since 2010 and has worked well to ensure that consumers receive valuable information. It allows consumers to educate themselves about the functions and capabilities of hearing aid-compatible handsets and to compare handset models. Further, it protects consumers by using uniform language that is consistent among manufacturers and service providers, and it guarantees notice to consumers to test the handset thoroughly before purchasing it. For instance, this requirement would benefit consumers who are interested in a hearing aid-compatible handset that includes non-certified air interfaces operating in frequencies above 6 GHz. In this example, handset manufacturers and service providers must include the required disclosure language in order to make sure that consumers are aware that some of the handset's operations are not certified as hearing aid-compatible under an applicable ANSI standard. The Commission also finds that it is in the public interest for handset manufacturers and service providers to inform consumers when a handset model has been certified as hearing aid-compatible under special testing circumstances and what impact these special testing circumstances have on the use of the handset.

41. The Commission finds that the information that it is requiring to be included in package inserts and user manuals is not too granular, as some commenters argue, and that this information serves a useful purpose. CTIA and Samsung urge the Commission to give manufacturers and service providers more flexibility in the methods used to convey information on a handset's hearing aid compatibility and volume control capabilities, including providing this information online rather than in the packaging insert or user manual. The Commission agrees with HLAA, however, that consumers may not necessarily visit service provider websites before going to a service provider's store and purchasing a hearing aid-compatible handset. Therefore, the Commission requires that package inserts and user manuals be provided with hearing aid compatible handsets that include the information outlined above and that this information not just be provided online. By requiring the above information to be included in package inserts and user manuals, the Commission ensures that consumers have access to this material. Handset manufacturers and service providers are also free to provide this information on their publicly accessible websites, and we believe that doing so will benefit consumers by giving them another way to locate information about hearing aid-compatible handsets.

42. The Commission's current rule requires that package inserts and user manuals provide an explanation of the ANSI and volume control rating systems. The Commission finds it in the public interest to continue these requirements. Further, the Commission agrees with HLAA that package inserts and user manuals should explain the old ANSI rating system and the transition to the new system. Given the transition from the M/T rating system, the Commission finds that this information will be helpful to consumers as they educate themselves on the differences between hearing aid-compatible handsets. Likewise, an explanation of a handset's volume control capabilities will also be helpful to consumers as they make purchasing decisions.

43. Finally, the Commission declines to adopt call-out card requirements that would require handset manufacturers and service providers to post certain information about their hearing aid-compatible handsets on display in their stores. HLAA asserts that the Commission's labeling requirement should require the use of call-out cards at the point of sale indicating whether a handset is hearing aid-compatible. CTIA urges the Commission not to impose additional labeling requirements on manufacturers and service providers, including the imposition of in-store printed material requirements. The Commission's current labeling rule does not *require* the use of call-out cards, and the Commission did not propose to require the use of call-out cards. The Commission declines to further increase the labeling burden on manufacturers and service providers.

### *F. Service Provider In-Store Testing Requirement*

44. The *NPRM* sought comment on whether the Commission should retain § 20.19(d)(4)(i), which requires service providers to make handsets available to consumers for in-store testing. Specifically, this section provides that ''[e]ach service provider must make available for consumers to test, in each retail store owned or operated by the provider, all of its handset models that [it offers that are hearing aid-compatible].'' HIA and HLAA urge the Commission to maintain this requirement and the Commission did not receive any comments objecting to it maintaining this requirement. The Commission agrees with HIA and HLAA that it is in the public interest to maintain the service provider in-store testing requirement. Live in-store testing permits consumers to undertake a preliminary, but important, evaluation of the volume and interference levels of a given handset and minimizes the ''hassle'' associated with returning the handset at a later time. Further, this requirement is consistent with the Commission's mandatory disclosure language that encourages consumers to test handsets before making a purchase. Finally, preserving this requirement may allow consumers to avoid a restocking fee. The Commission finds that keeping the service provider in-store testing requirement in place ensures that those with hearing loss

have a meaningful opportunity and sufficient time to identify and become comfortable with a handset before purchasing it.

*G. Other Rule Changes and Removing Outdated Rules*

45. *Diverse Handset Offerings.* The Commission adopts the Commission's proposal to eliminate the ''refresh'' and ''differing levels of functionality'' requirements set forth in § 20.19(c)(1)(ii), (c)(4)(ii), and (d)(4)(ii), which require handset manufacturers and service providers to update their selection of hearing aid-compatible handsets periodically. Under the ''differing levels of functionality'' and ''refresh'' rules, manufacturers and service providers must offer hearing aid-compatible handsets that contain the same range of features and functions contained in handsets offered to hearing people. This rule was adopted to ensure that people with hearing loss have similar choices in types of handsets as consumers without hearing loss. The Commission's current benchmark deployment rules, however, render these rules unnecessary, and the Commission eliminates these requirements from its rules, including the requirement that service providers make available on their websites information about the ''differing levels of functionality'' of each handset they offer. The Commission's current deployment benchmarks require 66% of handsets to be hearing aid-compatible and, in the near future, will require 85% of all handsets to be hearing aid-compatible. The Commission's deployment benchmarks ensure that consumers with hearing loss have robust choices in hearing aid-compatible handsets. CTIA and Samsung agree that these requirements are no longer necessary given the large number of hearing aid-compatible handsets on the market.

46. HLAA warns that eliminating these requirements could reduce the incentives for manufacturers and service providers to offer new hearing aid-compatible handsets; it asserts that these requirements should stay in place until service providers are required to offer 100% hearing aid-compatible handsets. The Commission finds, however, that its deployment benchmarks will ensure that manufacturers and service providers continue to have incentives to offer hearing aid-compatible handsets. The Commission adopted the ''refresh'' and ''differing levels of functionality'' requirements at a time when its deployment benchmarks were much lower. At that time, there was a need to ensure handset manufacturers and service providers met their deployment benchmarks using a diverse mixture of handsets rather than relying exclusively on entry level or top-of-the line offerings. The Commission's current deployment benchmarks have eliminated this concern. In fact, handset manufacturer compliance reports show that more than 89% of the new handset models manufacturers offered between August 1, 2019 and June 30, 2020 are hearing-aid compatible. Some manufacturers, such as Samsung, ensure that all of their handsets are hearing aid-compatible. Given these facts, the Commission eliminates the ''refresh'' and ''differing levels of functionality'' requirements in § 20.19(c)(1)(ii), (c)(4)(ii), and (d)(4)(ii) because they no longer serve their intended purpose.

47. *Certification and Reporting Dates.* The Commission adopts its proposal to revise the date by which service providers must file certifications of compliance with the Commission's hearing aid compatibility provisions and the date that manufacturers must file compliance reports pursuant to § 20.19(i)(1). Presently, service providers must file a short form certifying that they are in compliance with the Commission's hearing aid compatibility provisions by January 15 each year, and handset manufacturers must file a longer form showing compliance with these provisions by July 15 each year. The filing window for the certifications and reports opens 30 days prior to the filing deadline. The Commission uses these certifications and reports as the primary method of ensuring that handset manufacturers and service providers are complying with the Commission's hearing aid compatibility rules.

48. Section 20.19(i)(1) requires that each certification and report must be up-to-date as of the last day of the calendar month preceding the due date of each certification or report. To ensure that service providers' certifications and handset manufacturers' reports meet this requirement, the Commission moves the service provider certification due date from January 15 to January 31 each year and the handset manufacturer report due date from July 15 to July 31 each year. If January 31 or July 31 fall on a weekend, the due date for the certification or report will be the first business day immediately following the weekend. These revised filing deadlines mean that the filing window for service providers will open the first business day in January and the filing window for manufacturers will open the first business day in July. This change will ensure that the certifications and reports are up-to-date as of the last day of the calendar month preceding the due date of each report and certification. In addition to moving the compliance filing dates, we also change the compliance filing requirement for manufacturers to read that they ''shall submit Form 655 reports on compliance with the requirements of this section . . . .'' Currently, this requirement reads that they ''shall submit [Form 655] reports on *efforts toward* compliance with the requirements of this section . . . .'' 47 CFR 20.19(i)(1) (emphasis added). This change matches the language used for service providers and the ''efforts toward'' compliance language is unnecessary in that ''reports on compliance'' necessarily includes ''efforts toward compliance.'' This change also takes into consideration the national holidays at the beginning of January and July. CTIA and Samsung support these changes, and no commenter opposed these revisions.

49. *Removal of Outdated Rules.* The Commission adopts its proposal to remove from the hearing aid compatibility rules past transition dates and outdated benchmarks, and to correct clerical errors in the rules. These modifications to the hearing aid compatibility provisions will simplify the rules and make them easier to read and understand. CTIA and Samsung support these changes and no commenter opposed these revisions.

50. *Section 68.300.* The Commission also adopts its proposal to make a technical correction to § 68.300 of the Commission's rules that addresses hearing aid-compatible labeling requirements for wireline telephones. This correction restores a definition that was erroneously deleted from prior versions of the rule. No one filed comments on this proposed correction. When the Commission amended part 68 of the rules in 2000 to remove various provisions pertaining to registration of terminal equipment connected to the public switched telephone network, it appears that a definition of the term ''permanently affixed,'' which is relevant to the labeling requirement, was inadvertently deleted. To address this technical error, the Commission amends § 68.300(b) to include the same definition currently provided in § 68.502(a) for ''permanently fixed.''

51. Permanently affixed means that the label is etched, engraved, stamped, silkscreened, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The label must be

designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The Commission also deletes from § 68.300 the stated compliance date of April 1, 1997, given the length of time that has passed since that date and given that no one commented on this proposed deletion.

**Final Regulatory Flexibility Analysis**

52. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *2020 ANSI Standard NPRM* released in January 2020. The Commission sought written public comment on the proposals in the *2020 ANSI Standard NPRM,* including comments on the IRFA. The Commission did not receive comments specifically directed as a response to the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

*Need for, and Objectives of, the Report and Order*

53. In the *Report and Order,* the Commission incorporates the 2019 ANSI Standard as the exclusive technical standard for evaluating the hearing aid compatibility of wireless handsets. In addition to including a volume control standard as part of the new standard, the 2019 ANSI Standard requires testing that will improve a hearing aid user's experience, including those who use cochlear implants. The new standard addresses new technologies and devices operating in the frequency range of 614 MHz to 6 GHz, harmonizes testing methodologies with international standards, and uses a simple set of requirements and thresholds rather than the M/T rating system used by the 2011 ANSI Standard to determine hearing aid compatibility. The Commission anticipates that using the 2019 ANSI Standard to determine whether a handset is hearing aid-compatible for purposes of the Commission's rules will serve the public interest by establishing standards for new devices and operations over additional frequency bands. New testing methodologies in the 2019 ANSI Standard should also improve the measurement of potential hearing aid interference. The new standard no longer uses the M/T category system, achieves harmonization with other hearing aid standards, and changes several testing procedures meant to improve the consumer experience and reduce testing burdens.

54. The *Report and Order* adopts a two-year transition period for manufacturers and service providers before requiring the exclusive use of the new standard and aligns the volume control implementation deadline with the end of this two-year transition. The *Report and Order* allows manufacturers and service providers to continue to meet deployment benchmarks with any handset certified as hearing aid-compatible, regardless of the ANSI standard that was used for certification purposes. Consistent with the hearing aid-compatibility rule that was in effect prior to adoption of the *Report and Order,* the new rules: (i) Require that a handset's package label indicate that the phone is hearing aid compatibility compliant and must provide the handset's amplification capability if the handset is certified using the 2019 ANSI Standard, including actual conversational gain both with and without hearing aids if the handset is certified using the 2019 ANSI Standard and the handset's volume control capabilities when the handset has been certified using the 2019 ANSI Standard; (ii) require that the user manual or package insert display the handset's ANSI rating and include information explaining the change in the hearing aid-compatibility rating system under the new standard; and (iii) include a prescribed disclosure when a handset meets hearing aid compatibility standards on some of its air interfaces, but not on all of its air interfaces. The *Report and Order* also maintains the in-store testing requirement applicable to service providers so that those with hearing loss have an opportunity to become comfortable with a handset before purchasing it.

55. Finally, the *Report and Order* streamlines the wireless hearing aid compatibility rules by eliminating unnecessary and outdated provisions. For example, the *Report and Order* simplifies the labeling rules to remove the ''refresh'' and ''differing levels of functionality'' requirements and to delete references to implementation dates and benchmarks that have passed. Eliminating these references will simplify the rules and make them easier to read and understand. The *Report and Order* also aligns the definition of ''permanently affixed'' to ensure that hearing aid compatibility labeling requirements are consistent for both PSTN telephones and telephonic customer premises equipment used for advanced communications services. Additionally, the *Report and Order* moves the compliance filing deadlines from January 15 to January 31 for service providers and from July 15 to July 31 for manufacturers.

*Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration*

56. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

57. The Chief Counsel did not file comments in response to the proposed rules in this proceeding.

*List of Small Entities to Which the Rules Will Apply*

58. The rules adopted in this document will affect the following types of small entities:

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.
Part 15 Handset Manufacturers.
Wireless Telecommunications Carriers (except Satellite).
Wireless Resellers.

*Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities*

59. The rule changes adopted in the *Report and Order* may impose some new reporting, recordkeeping, or other compliance requirements on some small entities. The *Report and Order* adopts the 2019 ANSI Standard as the exclusive technical standard for evaluating if a wireless handset is hearing aid-compatible under the Commission's rules. The new standard reduces the testing burden, uses a simple set of limits rather than the M/T category system for handsets as well as hearing aids, achieves harmonization with other hearing aid standards, and makes some additional test procedure-related changes to improve the consumer experience.

60. The *Report and Order* replaces the 2011 ANSI Standard with the 2019 ANSI Standard after a two-year transition period. During the transition period, handset models meeting either the 2011 ANSI Standard or 2019 ANSI Standard will continue to be certified as hearing aid-compatible by handset manufacturers and service providers under the Commission's rules. Certifications issued before and within the transition period, including certifications under the 2011 ANSI Standard and any earlier versions of ANSI C63.19, will remain hearing aid-compatible. As a result, manufacturers will not need to retest or recertify existing handset models as hearing aid-compatible. The *Report and Order* also

harmonizes the deadline for exclusive use of the new standard with the March 1, 2021 volume control deadline required by the Commission's current rules.

61. The adoption of the 2019 ANSI Standard for wireless handsets and elimination of the currently applicable standard after a transition period will alter the compliance obligations of wireless handset manufacturers and service providers that are small entities, as well as all other wireless handset manufacturers and service providers, by requiring them to use a different method for testing and evaluating wireless handset compliance, including with a new volume control requirement.

62. The 2019 ANSI Standard applies to wireless handsets in a wider frequency range—from 614 MHz to 6 GHz—as compared to the 2011 ANSI Standard's frequency range of 698 MHz to 6 GHz. The *Report and Order* states that a handset operating only in the ranges specified in the standard would need to satisfy the standard for all frequency bands and air interfaces over which it operates. Because the hearing aid compatibility rules (*e.g.,* labeling and certification) apply to handsets certified under the new standard using the new frequency range (except as specified in the *de minimis* exception), small entities that did not previously have to comply with the requirements may be subject to new obligations.

63. Before adoption of the *Report and Order,* subject to a *de minimis* exception, handset manufacturers and service providers were required to offer a minimum number of hearing aid-compatible handsets for each covered air interface over which its models operate. Depending on the type and size of an entity and the point in time, manufacturers and providers must ensure that either 66% or 85% of their handset models are hearing aid-compatible. Under the rules adopted by the *Report and Order,* manufacturers and service providers may meet their requirement to offer minimum numbers of hearing aid-compatible handsets with handsets certified under *either* the 2019 or 2011 ANSI Standards, or an earlier standard. Consequently, small entities will not have to recertify existing handsets and incur additional compliance costs.

64. The *Report and Order* simplifies the current labeling requirements so that consumers will have the information that they need in order to easily understand and evaluate the hearing aid compatibility of a particular handset. Handset manufacturers and service providers are able to design their own package labels and provide supplemental information in a way that best meets their needs. For hearing aid-compatible handsets, the handset's package label must state that the handset is hearing aid-compatible and must provide the handset's amplification capability if the handset is certified using the 2019 ANSI Standard. The *Report and Order* also requires handset manufacturers and service providers to include in package inserts or user manuals more detailed information about the hearing aid compatibility of the handset, including information about the ANSI standard used, an explanation of the ANSI rating system, and an explanation of a handset's volume control amplification capabilities.

65. The *Report and Order* maintains the current in-store testing obligation applicable to service providers so that those with hearing loss have an opportunity to become comfortable with a handset before purchasing it.

66. The *Report and Order* also revises § 20.19(c) to delete the ''refresh'' and ''differing levels of functionality'' requirements, which require manufacturers to refresh the hearing aid-compatible handset models they offer each year and require service providers to offer a range of hearing aid-compatible handset models with differing levels of functionality, respectively. The Commission's current deployment benchmarks require 66% of handsets to be hearing aid-compatible and, in the near future, will require 85% of all handsets to be hearing aid-compatible. The Commission's deployment benchmarks ensure that consumers have robust choices among hearing aid-compatible handsets and confirm that its decision to eliminate the ''refresh'' and ''differing levels of functionality'' requirements will not adversely affect consumers. Removing unnecessary provisions such as these could streamline compliance requirements, which could reduce the cost of compliance for small entities.

67. The date that service providers must file certifications of compliance with the Commission's hearing aid compatibility provisions and the date that manufacturers must file compliance reports is also revised in *Report and Order.* Prior to adoption of the *Report and Order,* service provider certifications were due January 15 each year and manufacturer reports were due July 15 each year. The *Report and Order* moves these dates to January 31 and July 31, respectively, to ensure that service provider certifications and manufacturer reports are up-to-date as of the last day of the calendar month preceding the due date of each report and certification.

68. Small entities may be required to hire attorneys, engineers, consultants, or other professionals to comply with the rule changes adopted in the *Report and Order.* The Commission does not believe, however, that the costs and/or administrative burdens associated with any of the rule changes will unduly burden small entities because the adopted 2019 ANSI Standard for evaluating the hearing aid compatibility of wireless handsets was developed in collaboration with the industry through a voluntary, consensus-driven approach and is broadly supported by the industry, and expanding the frequency bands covered by the standard and replacing the current rating system will reduce regulatory burdens for handset manufacturers and service providers. While the Commission cannot quantify the cost of compliance with the rule changes and compliance obligations adopted in the *Report and Order,* in the *2020 ANSI Standard NPRM* the Commission requested cost and benefit analyses from the parties in the proceeding to help it identify and evaluate compliance costs and burdens for small entities that may result from the proposed rules and the matters on which the Commission requested comments. The Commission did not receive any comments, cost data or analyses on the impact of the rules and other matters on small entities.

*Significant Alternatives Considered*

69. Regarding the alternatives the Commission considered in adopting the final rules, the Commission notes that it declined to modify the 2019 ANSI Standard as requested by Schmid and Partner Engineering AG (Schmid). The record indicated that the Schmid requests were already considered and mitigated in 2019 ANSI standards the Commission adopted. The Commission also declined to lift the statutory exemption that currently excludes frequencies above 6 GHz from hearing aid compatibility requirements, choosing instead to allow the ANSI Committee, in coordination with relevant industry participants, to develop a consensus-driven standard for these frequencies that the Commission can incorporate into its rules when the new standard is available. In addition, the Commission declined to add a call-out card requirement to its labeling requirement as suggested by the Hearing Loss Association of America (HLAA). The addition of such a requirement would have mandated the use of call-out cards at the point of sale indicating whether a handset is hearing aid-

compatible which would have increased the economic costs of compliance with the Commission's labeling requirements for small entities and other handset manufacturers and service providers, and it declined to do so.

70. In the *Report and Order* the Commission sought to balance the potential economic impact and burdens that small entity manufacturers and service providers might face in light of the new 2019 ANSI Standard with the need to ensure that Americans with hearing loss can access a wide array of handsets with emerging technologies in the same manner as those without hearing loss. The Commission believes its actions in the *Report and Order* accomplish this objective.

**Ordering Clauses**

71. Accordingly, *it is ordered,* pursuant to sections 4(i), 303(r), and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 610, this *Report and Order is hereby adopted.*

72. *It is further ordered* that the March 1, 2021 deadline included within § 20.19(b)(1) and (f)(1)(ii) is *suspended,* effective upon adoption of this *Report and Order.*

73. *It is further ordered* that the revisions to part 20 of the Commission's rules, 47 CFR part 20, as set forth in the Final Rules *are adopted,* effective thirty days from the date of publication in the **Federal Register**, except that the amendments to § 20.19(f), (h)(1), and (i) will become effective following approval by the Office of Management and Budget. Section 20.19(f), (h)(1), and (i) contain new or modified information collection requirements that require review by the Office of Management and Budget under the PRA. The Commission will publish a document in the **Federal Register** announcing the effective date of the revisions to § 20.19(f), (h)(1), and (i), following approval by the Office of Management and Budget.

74. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects**

*47 CFR Part 2*

Administrative practices and procedures, Communications equipment.

*47 CFR Part 20*

Administrative practices and procedures, Communications equipment, Incorporation by reference.

*47 CFR Part 68*

Administrative practices and procedures, Communications equipment.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Federal Communications Commission.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2, 20, and 68 as follows:

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Amend § 2.1033 by revising paragraph (d) to read as follows:

**§ 2.1033 Application for certification.**

* * * * *

(d) Applications for certification of equipment operating under part 20 of this chapter, that a manufacturer is seeking to certify as hearing aid-compatible, as set forth in § 20.19 of this chapter, shall include a statement indicating compliance with the test requirements of § 20.19 of this chapter. The manufacturer of the equipment shall be responsible for maintaining the test results.

* * * * *

## PART 20—COMMERCIAL MOBILE RADIO SERVICES

■ 3. The authority citation for part 20 is revised to read as follows:

**Authority:** 47 U.S.C. 151, 152(a), 154(i), 155, 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, and 615c, unless otherwise noted.

■ 4. Amend § 20.19 by:

■ a. Revising paragraphs (a), (b), and (c);

■ b. Removing and reserving paragraph (d);

■ c. Revising paragraph (e);

■ d. Removing and reserving paragraph (f)(1)(ii); and

■ e. Revising paragraphs (g), (h)(2)(ii), (h)(5), (k), and (l).

The revisions read as follows:

**§ 20.19 Hearing aid-compatible mobile handsets.**

(a) *Definitions.* For purposes of this section:

*2007 ANSI standard* refers to the technical standard for hearing aid compatibility applicable to frequencies between 800 MHz and 3 GHz as set forth in ANSI C63.19–2007.

*2011 ANSI standard* refers to the technical standard for hearing aid compatibility applicable to frequencies between 698 MHz and 6 GHz as set forth in ANSI C63.19–2011.

*2019 ANSI standard* refers to the technical standard for hearing aid compatibility applicable to frequencies between 614 MHz and 6 GHz as set forth in ANSI C63.19–2019.

*ANSI standard* refers to the 2007, 2011, and 2019 ANSI standards as a group.

*Any version of the ANSI standard previous to the 2019 ANSI standard* refers to the 2007 and 2011 ANSI standards.

*Digital mobile service* refers to a terrestrial mobile service that enables two-way real-time voice communications among members of the public or a substantial portion of the public, including both interconnected and non-interconnected voice over internet protocol (VoIP) services, to the extent that such service is provided over frequencies specified in the 2007 ANSI standard, 2011 ANSI standard or the 2019 ANSI standard.

*Handset* refers to a device used in delivery of digital mobile service in the United States that contains a built-in speaker and is typically held to the ear in any of its ordinary uses.

*Manufacturer* refers to a manufacturer of handsets that are used in delivery of digital mobile service, as defined in this section, in the United States.

*Model* refers to a wireless handset device that a manufacturer has designated as a distinct device model, consistent with its own marketing practices. However, if a manufacturer assigns different model device designations solely to distinguish units sold to different carriers, or to signify other distinctions that do not relate to either form, features, or capabilities, such designations shall not count as distinct models for purposes of this section.

*Service provider* refers to a provider of digital mobile service, as defined in this section, in the United States.

*Tier I carrier* refers to a CMRS provider that offers such service nationwide.

*Volume control requirements* refers to the technical standard established by ANSI/TIA–5050–2018.

(b) *Hearing aid compatibility; technical standards*—(1) *Handset compatibility on or after June 5, 2023.* In order to satisfy a manufacturer or service provider's obligations under paragraphs (c) and (d) of this section, a handset submitted for equipment certification or for a permissive change relating to hearing aid compatibility on or after June 5, 2023 must meet the 2019 ANSI standard.

(2) *Handset compatibility before June 5, 2023.* In order to satisfy a manufacturer or service provider's obligations under paragraphs (c) and (d) of this section, a handset submitted for equipment certification or for a permissive change relating to hearing aid compatibility before June 5, 2023 must meet either:

(i) At a minimum, the M3 and T3 ratings associated with the 2011 ANSI standard; or

(ii) The 2019 ANSI standard.

(3) *Handsets operating over multiple frequency bands or air interfaces.* (i) Beginning on June 5, 2023, a handset is hearing aid-compatible if it meets the 2019 ANSI standard for all frequency bands that are specified in the ANSI standard and all air interfaces over which it operates on those frequency bands, and the handset has been certified as compliant with the test requirements for the 2019 ANSI standard pursuant to § 2.1033(d) of this chapter.

(ii) Before June 5, 2023, a handset that uses only the frequencies specified in the 2011 ANSI standard is hearing aid-compatible with regard to radio frequency interference and inductive coupling if it meets the 2011 ANSI standard for all frequency bands and air interfaces over which it operates, and the handset has been certified as compliant with the test requirements for the 2011 ANSI standard pursuant to § 2.1033(d) of this chapter. Before June 5, 2023, a handset that incorporates operations outside the frequencies specified in the 2011 ANSI standard is hearing aid-compatible if the handset otherwise satisfies the requirements of this paragraph (b).

(4) *Factual questions.* All factual questions of whether a handset meets the technical standard(s) of this paragraph (b) shall be referred for resolution to the Chief, Office of Engineering and Technology, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

(5) *Certification.* A handset certified under any version of the ANSI standard previous to the 2019 ANSI standard remains hearing aid-compatible for purposes of this section.

(c) *Phase-in of hearing aid-compatibility requirements.* The following applies to each manufacturer and service provider that offers handsets used to deliver the services specified in paragraph (a) of this section and that does not fall within the *de minimis* exception set forth in paragraph (e) of this section.

(1) *Manufacturers—Number of hearing aid-compatible handset models offered.* For each digital air interface for which it offers handsets in the United States or imported for use in the United States, each manufacturer must offer hearing aid compatible handsets as follows:

(i) Beginning October 3, 2018, at least sixty-six (66) percent of those handset models (rounded down to the nearest whole number) must be hearing aid-compatible under paragraph (b) of this section.

(ii) Beginning October 4, 2021, at least eighty-five (85) percent of those handset models (rounded down to the nearest whole number) must be hearing aid-compatible under paragraph (b) of this section.

(2) *Tier I carriers—Number of hearing aid-compatible handsets models offered.* For each digital air interface for which it offers handsets to customers, each Tier I carrier must:

(i) Beginning April 3, 2019, ensure that at least sixty-six (66) percent of the handset models it offers are hearing aid-compatible under paragraph (b) of this section, calculated based on the total number of unique handset models the carrier offers nationwide.

(ii) Beginning April 4, 2022, ensure that at least eighty-five (85) percent of the handset models it offers are hearing aid-compatible under paragraph (b) of this section, calculated based on the total number of unique handset models the carrier offers nationwide.

(3) *Service providers other than Tier I carriers—Number of hearing aid-compatible handsets models offered.* For each digital air interface for which it offers handsets to customers, each service provider other than a Tier I carrier must:

(i) Beginning April 3, 2020, ensure that at least sixty-six (66) percent of the handset models it offers are hearing aid-compatible under paragraph (b) of this section, calculated based on the total number of unique handset models the carrier offers.

(ii) Beginning April 3, 2023, ensure that at least eighty-five (85) percent of the handset models it offers are hearing aid-compatible under paragraph (b) of this section, calculated based on the total number of unique handset models the carrier offers.

(4) *In-store testing.* All service providers must make available for consumers to test, in each retail store owned or operated by the service provider, all of its handset models that are hearing aid-compatible under paragraph (b) of this section.

* * * * *

(e) *De minimis exception.* (1)(i) Manufacturers or service providers that offer two or fewer handsets in an air interface in the United States are exempt from the requirements of this section in connection with that air interface, except with regard to the reporting and certification requirements in paragraph (i) of this section. Service providers that obtain handsets only from manufacturers that offer two or fewer handset models in an air interface in the United States are likewise exempt from the requirements of this section other than paragraph (i) of this section in connection with that air interface.

(ii) Notwithstanding paragraph (e)(1)(i) of this section, manufacturers that have had more than 750 employees for at least two years and service providers that have had more than 1500 employees for at least two years, and that have been offering handsets over an air interface for at least two years, that offer one or two handsets in that air interface in the United States must offer at least one handset model that is hearing aid-compatible under paragraph (b) of this section in that air interface. Service providers that obtain handsets only from manufacturers that offer one or two handset models in an air interface in the United States, and that have had more than 750 employees for at least two years and have offered handsets over that air interface for at least two years, are required to offer at least one handset model in that air interface that is hearing aid-compatible under paragraph (b) of this section. For purposes of this paragraph (e)(1)(ii), employees of a parent, subsidiary, or affiliate company under common ownership or control with a manufacturer or service provider are considered employees of the manufacturer or service provider. Manufacturers and service providers covered by this paragraph (e)(1)(ii) must also comply with all other requirements of this section.

(2) Manufacturers or service providers that offer three handset models in an air interface must offer at least one handset model that is hearing aid-compatible under paragraph (b) of this section in that air interface. Service providers that obtain handsets only from manufacturers that offer three handset models in an air interface in the United

States are required to offer at least one handset model in that air interface that is hearing aid-compatible under paragraph (b) of this section.

(3) Manufacturers that offer four or five handset models in an air interface must offer at least two handset models that are hearing aid-compatible under paragraph (b) of this section in that air interface. Tier I carriers who offer four handset models in an air interface must offer at least two handsets that are hearing aid-compatible under paragraph (b) of this section in that air interface and Tier I carriers who offer five handset models in an air interface must offer at least three handsets that are hearing aid-compatible under paragraph (b) of this section in that air interface. Service providers, other than Tier I carriers, who offer four handset models in an air interface must offer at least two handset models that are hearing aid-compatible under paragraph (b) of this section in that air interface and service providers, other than Tier I carriers, who offer five handset models in an air interface must offer at least three handsets that are hearing aid-compatible under paragraph (b) of this section in that air interface.

* * * * *

(g) *Model designation requirements.* Where a manufacturer has made physical changes to a handset that result in a change in the hearing aid compatibility rating under the 2011 ANSI standard or an earlier version of the standard, the altered handset must be given a model designation distinct from that of the handset prior to its alteration.

(h) * * *

(2) * * *

(ii) A clearly marked list of hearing aid-compatible handset models that are no longer offered if the calendar month/year that model was last offered is within 24 months of the current calendar month/year along with the information listed in paragraph (h)(1) of this section for each hearing aid-compatible handset.

* * * * *

(5) Service providers must maintain internal records including the ratings, if applicable, of all hearing aid-compatible and non-hearing aid-compatible models no longer offered (if the calendar month/year that model was last offered is within 24 months of the current calendar month/year); for models no longer offered (if the calendar month/year that model was last offered is within 24 months of the current calendar month/year), the calendar months and years each hearing aid-compatible and non-hearing aid-compatible model was first and last offered; and the marketing model name/number(s) and FCC ID number of each hearing aid-compatible and non-hearing aid-compatible model no longer offered (if the calendar month/year that model was last offered is within 24 months of the current calendar month/year).

* * * * *

(k) *Delegation of rulemaking authority.* (1) The Chief of the Wireless Telecommunications Bureau and the Chief of the Office of Engineering and Technology are delegated authority to issue, consistent with any applicable requirements of 5 U.S.C. 553, an order amending this section to the extent necessary to adopt technical standards for additional frequency bands and/or air interfaces upon the establishment of such standards by ANSI Accredited Standards Committee C63®, provided that the standards do not impose with respect to such frequency bands or air interfaces materially greater obligations than those imposed on other services subject to this section. Any new obligations on manufacturers and Tier I carriers pursuant to paragraphs (c) through (i) of this section as a result of such standards shall become effective no less than one year after release of the order adopting such standards and any new obligations on other service providers shall become effective no less than 15 months after the release of such order, except that any new obligations on manufacturers and service providers subject to paragraph (e)(1)(ii) of this section shall become effective no less than two years after the release of such order.

(2) The Chief of the Wireless Telecommunications Bureau and the Chief of the Office of Engineering and Technology are delegated authority, by notice-and-comment rulemaking if required by statute or otherwise in the public interest, to issue an order amending this section to the extent necessary to approve any version of the technical standards for radio frequency interference, inductive coupling, or volume control adopted subsequently to the 2007 ANSI standard for use in determining whether a wireless handset meets the appropriate rating over frequency bands and air interfaces for which technical standards have previously been adopted either by the Commission or pursuant to paragraph (k)(1) of this section. This delegation is limited to the approval of changes to the technical standards that do not raise major compliance issues. Further, by such approvals, the Chiefs may only permit, and not require, the use of such subsequent versions of the technical standards to establish hearing aid compatibility.

(l) *Incorporation by reference.* The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Federal Communications Commission (FCC), 45 L Street NE, Reference Information Center, Room 1.150, Washington, DC 20554, (202) 418–0270, and is available from the source indicated in this paragraph (l). It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) IEEE Standards Association (IEEE–SA), 445 Hoes Lane, Piscataway, NJ 08854–4141, (732) 981–0060, *stds-info@ieee.org, https://standards.ieee.org/.*

(i) ANSI C63.19–2007, American National Standard Methods of Measurement of Compatibility Between Wireless Communication Devices and Hearing Aids, approved June 8, 2007.

(ii) ANSI C63.19–2011, American National Standard Methods of Measurement of Compatibility Between Wireless Communication Devices and Hearing Aids, approved May 27, 2011.

(iii) ANSI C63.19–2019, American National Standard Methods of Measurement of Compatibility Between Wireless Communication Devices and Hearing Aids, approved August 19, 2019.

(2) Telecommunications Industry Association (TIA), 1320 North Courthouse Road, Suite 200, Arlington, VA 22201, (703) 907–7700, *global@ihs.com, https://global.ihs.com/csf_home.cfm?&csf=TIA.*

(i) ANSI/TIA–5050–2018, Telecommunications—Communications Products—Receive Volume Control Requirements for Wireless (Mobile) Devices, approved January 17, 2018.

(ii) [Reserved]

■ 5. Delayed indefinitely, further amend § 20.19 by revising paragraphs (f), (h)(1), and (i) to read as follows:

**§ 20.19 Hearing aid-compatible mobile handsets.**

* * * * *

(f) *Labeling and disclosure requirements for hearing aid-compatible handsets*—(1) *Package label.* For all handset models certified to be hearing aid-compatible, manufacturers and service providers shall ensure that the handset's package label states that the handset is hearing aid-compatible and

the handset's actual conversational gain with and without a hearing aid if certified using a technical standard with volume control requirements. The actual conversational gain displayed for use with a hearing aid shall be the lowest rating assigned to the handset for any covered air interface or frequency band.

(2) *Package insert or handset manual.* For all handset models certified to be hearing aid-compatible, manufacturers and service providers shall disclose to consumers through the use of a package insert or in the handset's user manual:

(i) That the handset is hearing aid-compatible;

(ii) The ANSI standard used to determine the hearing aid compatibility of the handset model's air interfaces and frequency bands;

(iii) If using the 2011 ANSI standard or an earlier version of the standard, the lowest hearing aid compatibility rating assigned to any of the covered air interfaces or frequency bands;

(iv) The air interfaces or frequency bands on the handset that are not certified to be hearing aid-compatible, if applicable, or have been determined to be hearing aid-compatible under special testing circumstances;

(v) Any handset model certified to be hearing aid-compatible for some but not all of the air interfaces or frequency bands covered by the model must include the following disclosure language:

This phone has been tested and certified for use with hearing aids for some of the wireless technologies that it uses. However, there may be some newer wireless technologies used in this phone that have not been tested yet for use with hearing aids. It is important to try the different features of this phone thoroughly and in different locations, using your hearing aid or cochlear implant, to determine if you hear any interfering noise. Consult your service provider or the manufacturer of this phone for information on hearing aid compatibility. If you have questions about return or exchange policies, consult your service provider or phone retailer.

(vi) An explanation of the ANSI rating system, which includes an explanation that the 2019 ANSI standard does not use the rating system that older versions of the standard used;

(vii) An explanation of a handset model's volume control capabilities, including its conversational gain both with and without hearing aids, if the handset is certified using a technical standard that includes volume control requirements; and

(viii) An explanation of special testing circumstances, if a handset model has air interfaces that have been certified as hearing aid-compatible under such circumstances, and how these circumstances affect the use and operation of the handset.

* * * * *

(h) * * *

(1) Each manufacturer and service provider that operates a publicly-accessible website must make available on its website a list of all hearing aid-compatible models currently offered, the ANSI standard used to evaluate hearing aid compatibility, the ratings of those models under the relevant ANSI standard, if applicable, and an explanation of the rating system. Each service provider must also include on its website: A list of all non-hearing aid-compatible models currently offered, as well as a link to the current FCC web page containing information about the wireless hearing aid compatibility rules and service providers' obligations. Each service provider must also include the marketing model name/number(s) and FCC ID number of each hearing aid-compatible and non-hearing aid-compatible model currently offered.

* * * * *

(i) *Reporting requirements*—(1) *Reporting and certification dates.* Service providers shall submit Form 855 certifications on their compliance with the requirements of this section by January 31 of each year. Manufacturers shall submit Form 655 reports on their compliance with the requirements of this section by July 31 of each year. Information in each certification and report must be up-to-date as of the last day of the calendar month preceding the due date of each certification and report.

(2) *Content of service provider certifications.* Certifications filed by service providers must include:

(i) The name of the signing executive and contact information;

(ii) The company(ies) covered by the certification;

(iii) The FCC Registration Number (FRN);

(iv) If the service provider is subject to paragraph (h) of this section, the website address of the page(s) containing the required information regarding handset models;

(v) The percentage of handsets offered that are hearing aid-compatible (providers will derive this percentage by determining the number of hearing aid-compatible handsets offered across all air interfaces during the year divided by the total number of handsets offered during the year); and

(vi) The following language:

I am a knowledgeable executive [of company x] regarding compliance with the Federal Communications Commission's wireless hearing aid compatibility requirements at a wireless service provider covered by those requirements.

I certify that the provider was [(in full compliance/not in full compliance)] [choose one] at all times during the applicable time period with the Commission's wireless hearing aid compatibility deployment benchmarks and all other relevant wireless hearing aid compatibility requirements.

The company represents and warrants, and I certify by this declaration under penalty of perjury pursuant to 47 CFR 1.16 that the above certification is consistent with 47 CFR 1.17, which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action pursuant to Sections 501 and 503 of the Act.

(vii) If the company selected that it was not in full compliance with this section, an explanation of which wireless hearing aid compatibility requirements it was not in compliance with, when the non-compliance began and (if applicable) ended with respect to each requirement.

(3) *Content of manufacturer reports.* Reports filed by manufacturers must include:

(i) Handset models tested, since the most recent report, for compliance with the applicable hearing aid compatibility technical ratings, if applicable;

(ii) Compliant handset models offered to service providers since the most recent report, identifying each model by marketing model name/number(s) and FCC ID number;

(iii) For each compliant model, the air interface(s) and frequency band(s) over which it operates, the hearing aid compatibility ratings for each frequency band and air interface under the ANSI standard (if applicable), the ANSI standard version used, and the months in which the model was available to service providers since the most recent report;

(iv) Non-compliant models offered to service providers since the most recent report, identifying each model by marketing model name/number(s) and FCC ID number;

(v) For each non-compliant model, the air interface(s) over which it operates and the months in which the model was available to service providers since the most recent report;

(vi) Total numbers of compliant and non-compliant models offered to service providers for each air interface as of the time of the report;

(vii) Any instance, as of the date of the report or since the most recent report, in which multiple compliant or non-compliant devices were marketed under separate model name/numbers

but constitute a single model for purposes of the hearing aid compatibility rules, identifying each device by marketing model name/number and FCC ID number;

(viii) Status of product labeling;

(ix) Outreach efforts; and

(x) If the manufacturer maintains a public website, the website address of the page(s) containing the information regarding hearing aid-compatible handset models required by paragraph (h) of this section.

(4) *Format.* The Wireless Telecommunications Bureau is delegated authority to approve or prescribe forms, formats, and methods for submission of the reports and certifications in addition to or instead of those required by this section. Any format that the Bureau may approve or prescribe shall be made available on the Bureau's website.

* * * * *

## PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

■ 6. The authority citation for part 68 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 610.

### Subpart D—Conditions for Terminal Equipment Approval

■ 7. The authority citation for subpart D is revised to read as follows:

**Authority:** 47 U.S.C. 154, 155, 303, 610.

■ 8. Amend § 68.300 by revising paragraph (b) to read as follows:

**§ 68.300 Labeling requirements.**

* * * * *

(b) All registered telephones, including cordless telephones, as defined in § 15.3(j) of this chapter, manufactured in the United States (other than for export) or imported for use in the United States, that are hearing aid compatible, as defined in § 68.316, shall have the letters ''HAC'' permanently affixed thereto. ''Permanently affixed'' means that the label is etched, engraved, stamped, silkscreened, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The label must be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. Telephones used with public mobile services or private radio services, and secure telephones, as defined by § 68.3, are exempt from the requirement in this paragraph (b).

* * * * *

[FR Doc. 2021–08973 Filed 5–3–21; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### 49 CFR Parts 1570 and 1582

**[Docket No. TSA–2015–0001]**

**RIN 1652–AA55**

## Security Training for Surface Transportation Employees; Extension of Compliance Dates; Correcting Amendments

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Final rule.

**SUMMARY:** This action amends the ''Security Training for Surface Transportation Employees'' (Security Training) final rule (published March 23, 2020, and amended May 1, 2020, and October 26, 2020) to extend the compliance date by which a security training program must be submitted to TSA, and make minor technical corrections. TSA is aware that many owner/operators within the scope of this rule's applicability may be unable to meet the compliance deadline for submission of the required security training programs to TSA for approval because of the impact of COVID–19 as well as actions taken at various levels of government to address this public health crisis. In response, TSA is extending the compliance deadline for submission of the required security training program from March 22, 2021, to no later than June 21, 2021. Should TSA determine that an additional extension of time is necessary based upon the impact of the COVID–19 public health crisis, TSA will publish a document in the **Federal Register** announcing an updated compliance date for this requirement.

**DATES:**

*Effective Date:* This rule is effective May 4, 2021.

*Compliance Dates:* The compliance dates for submission of security training programs to TSA under § 1570.109(b) is June 21, 2021 for existing operations and September 21, 2021 for operations that commence or modify operations to become subject to the regulation after June 21, 2021. The deadline for initial security training under § 1570.111 is extended for owner/operators that submitted their security training programs to TSA by the current deadline of March 22, 2021. These owner/operators will have an additional 90 days (15 months rather than 12 months) to complete initial training of their security-sensitive employees.

**FOR FURTHER INFORMATION CONTACT:** Victor Parker (TSA, Policy, Plans, and Engagement, Surface Division) or David Kasminoff (TSA, Office of Chief Counsel, Regulations and Security Standards) by telephone at (571) 227–5563 or email to *SecurityTrainingPolicy@tsa.dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

#### *A. Security Training Final Rule and Previous Amendments*

TSA published the Security Training Final Rule on March 23, 2020.[1] This rule requires owner/operators of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus companies, to provide TSA-approved security training to employees performing security-sensitive functions. As published on March 23, 2020, TSA scheduled the final rule to take effect on June 22, 2020, with the first compliance deadline set for July 22, 2020.[2] On May 1, 2020, TSA delayed the effective date of the final rule to September 21, 2020, in recognition of the potential impact of the COVID–19 public health crisis and related strain on resources for owner/operators required to comply with the regulation.[3] TSA revised all compliance dates within the rule to reflect the new effective date.[4] On October 26, 2020, TSA extended the compliance deadline in 49 CFR 1570.109(b)(1) and (b)(2) for submission of security training programs from December 21, 2020, to March 22, 2021.[5]

On February 19, 2021, Chairs of the Rail Sector Coordinating Council (SCC),[6] Mass Transit SCC, Highway

[1] 85 FR 16456.

[2] *See, e.g.,* 85 FR at 16469.

[3] 85 FR 25315.

[4] *See id.* for table of extended deadlines for compliance.

[5] 85 FR 67681.

[6] The Sector Coordinating Councils (SCCs) are self-organized and self-governed councils that enable critical infrastructure owners and operators, their trade associations, and other industry representatives to interact on a wide range of sector-specific strategies, policies, and activities. The SCCs coordinate and collaborate with sector-specific agencies (SSAs) and related Government Coordinating Councils (GCCs) to address the entire range of critical infrastructure security and resilience policies and efforts for that sector.

Motor Carrier SCC, and Short Line Industry Lead for the Rail SCC sent a letter to the Senior Official Performing the Duties of the TSA Administrator requesting a further 90-day delay in the date by which regulated entities must submit their security training program to TSA. Their request was based on the ongoing impact of the COVID–19 public health crisis and the likelihood that the development of the security training program ''rests with the same subject matter leads that remain focused on containing the spread of, and mitigating risks posed by, the pandemic.'' [7] For example, many of the regulated entities subject to the requirements of this rule are also subject to the mask requirements imposed pursuant to Executive Order (E.O.) 13998 of January 21, 2021 (Promoting COVID–19 Safety in Domestic and International Travel),[8] as further directed and implemented pursuant to the Secretary of Homeland Security's January 27, 2021, Determination of a National Emergency (Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System),[9] the Centers for Disease Control and Prevention's Order,[10] TSA's security directive issued under the authority of 49 U.S.C. 114,[11] and additional actions taken by the operating administrations of the Department of Transportation.[12]

*B. Correcting Citation Errors*

As published, the regulatory text in the final rule contains several incorrect references to other provisions in the rule. First, TSA intended the applicability of the reporting security issues requirement in 49 CFR 1570.203 to align with the applicability of the security coordinator requirement in § 1570.201. As noted in the preamble to the final rule, TSA intended the scope of the security coordinator and reporting requirement to apply to all *rail* entities covered by Rail Transportation Security rule published in 2008,[13] plus—

- ''Any bus operations of a public transportation owner/operator required to provide security training under this rule; and
- Any OTRB owner/operator required to provide security training under this rule.'' [14]

TSA's intent is also reflected in the Regulatory Impact Analysis (RIA) for the final rule, which only included costs for expanding the current requirement to regulate bus-only transit agencies and OTRB operations in the higher-risk areas designated in the appendices to parts 1582 and 1584.[15] Notwithstanding TSA's clear intention, the final rule incorrectly applies the reporting requirement to, among other entities, ''[e]ach owner/operator identified in § . . . 1582.1[.]'' And § 1582.1, which provides the scope for all of part 1582, broadly includes ''each public transportation agency.'' [16] To be consistent with TSA's intent, the applicability of the requirement to report significant security concerns should mirror the applicability of the requirement to have a security coordinator under 49 CFR 1570.201. While § 1570.201 also applies to ''each public transportation agency,'' it excepts from the requirement a public transportation agency that ''owns or operates a bus-only operation'' unless ''the owner/operator is identified in appendix A to part 1582 of this subchapter or is otherwise notified by TSA in writing a that a threat exists concerning that operation.'' TSA is adding parallel language to § 1570.203, to correct the technical error as it relates to public transportation agencies.

Second, the applicability of 49 CFR 1582.101(c) addresses passenger railroads that host freight railroads. As noted in the preamble to the proposed and final rules, TSA intends for passenger railroads to be responsible for ensuring security training requirements are met when they are hosting a freight railroad.[17] The rule incorrectly cross references to 49 CFR 1580.301. Part 1580, however, does not include a § 1580.301. The correct citation is to § 1580.101.

Third, § 1582.101(c) references passenger railroads identified in § 1582.101(a)(1) and (a)(2). Again, these subsections do not exist. The correct citation is to § 1582.101(a) and (b). This final rule correction replaces the incorrect citations with the correct ones.

*C. Compliance Deadline for Submission of Security Training Programs*

TSA recognizes the impact of COVID–19 on our surface stakeholders and the need to provide relief at a time when many owner/operators are simultaneously leveraging a range of resources to address multiple challenging circumstances, and struggling financially and limiting operations due to the effects of the COVID–19 public health crisis. After considering the current operational environment and the purpose of this regulation, TSA has decided to further extend the compliance deadline in § 1570.109(b) for security program submission from March 22, 2021, to June 21, 2021.

This extension would provide the industry with a total of 270 days of relief for submission of security training programs as compared to the original deadline of September 20, 2020, and extend the deadline for initial training of all employees in security-sensitive positions into the fall of 2022.[18] Should

[7] *See* Docket No. TSA–2015–0001–0050 at *Regulations.gov* for Letter from Thomas Farmer of the Association of American Railroads; Polly Hanson of the American Public Transportation Association; Chief Ronald Pavlik of the Washington Metropolitan Area Transportation Authority; Colonel (Ret.) Michael Licata, Academy Bus; and JR Gelnar of the American Short Line and Regional Railroad Association (dated Feb. 19, 2021), as respective chairs of the SCCs referenced above.

[8] Published at 86 FR 7205 (Jan. 26, 2021).

[9] Acting Secretary David P. Pekoske, Determination of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System (Jan. 27, 2021), *available at https://www.dhs.gov/publication/determination-national-emergency-requiring-actions-protect-safety-americans-using-and (last visited Mar. 25, 2021).*

[10] *See* Centers for Disease Control and Prevention, Order, *Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs,* 86 FR 8025 (Feb. 3, 2021).

[11] *See* Security Directive 1582/84–21–01, applicable to passenger railroads, intercity bus services, and public transportation. TSA simultaneously issued directives applicable to airports, aircraft operators, and foreign air carriers. All of these directives are available at: *https://www.tsa.gov/sd-and-ea.*

[12] *See, e.g.,* Emergency Order No. 32, Notice No.1, of the Federal Railroad Administration, Emergency Order Requiring Face Mask Use in Railroad Operations (dated Feb. 24, 2021), available at *https://railroads.dot.gov/sites/fra.dot.gov/files/2021-02/Signed%20EO%2032%20%28Face%20Masks%29%20-%202.24.2021.pdf.*

[13] *See* 73 FR 72129 (Nov. 26, 2008).

[14] *See* 85 FR at Table 2 and related discussion at 16465–66.

[15] *See* Security Training Programs for Surface Transportation Employees Final Regulatory Impact Analysis at sections 3.2.4 (Cost of Implementing Security Training for Surface Mode Employees/PTPR Industry Costs/Incident Reporting Cost) and 3.3.4 (Cost of Implementing Security Training for Surface Mode Employees/OTRB Industry Cost/Incident Reporting Cost). The Final RIA is available in the docket for this rulemaking at *Regulations.gov* as TSA–2015–0001–0040.

[16] The scope in 1582.1 includes: (1) Each passenger railroad carrier; (2) each public transportation agency; (3) each operator of a rail transit system that is not operating on track that is part of the general railroad system of transportation, including heavy rail transit, light rail transit, automated guideway, cable car, inclined plane, funicular, and monorail systems; and (4) each tourist, scenic, historic, and excursion rail owner/operator, whether operating on or off the general railroad system of transportation. The only exemption from the scope is for certain ferry systems that provide public transportation that are already subject to other regulatory requirements.

[17] *See* 85 FR at 16460–16461 (Section II.A.4, Impact on Certain Business Operations) and 16474 (Section VII.A.3, Stakeholder Consultation/Comments on definition of ''host railroad'').

[18] Under the rule, owner/operators have up to one year (12 months) after their security training program is approved by TSA to provide initial training to all of their security-sensitive employees. *See* § 1570.111. Once the proposed program is

TSA determine that an additional extension of time for submission of the security training program is necessary based upon the impact of the COVID–19 public health crisis, TSA will publish a document in the **Federal Register** announcing an updated compliance date for this requirement.

*D. Extending Initial Training Deadline for Certain Owner/Operators*

Almost thirty percent of owner/operators required to submit a training program have already submitted them to TSA. For those owner/operators that submitted a training program to TSA for approval by the current deadline (March 22, 2021), TSA is revising 49 CFR 1570.111(a) to ensure we do not disadvantage these owner/operators who were able to submit their programs, but who may still be addressing the operational issues related to COVID–19 that make compliance difficult—particularly related to identifying and training security-sensitive employees during a time when employment may be more fluid based on demand and the impact of sick employees.

TSA has determined that in light of the unprecedented circumstances created by the COVID–19 pandemic, past rule delays, and the additional compliance date delay described above, it is in the public interest to grant owner/operators who submitted their training programs to TSA by the March 2021 deadline an additional 90 days (15 months instead of 12 months) from the date of TSA approval to complete the initial training required by 49 CFR 1570.111. This modification will ensure owner/operators who submitted their training programs to TSA for approval by the current deadline are treated equitably compared to those who wait until the extended deadline to submit their programs. TSA is making certain non-substantive changes to § 1570.111(a) as necessary to clearly reflect this distinction and the compliance deadlines for initial training.

*E. Economic Relief Related to the COVID–19 Pandemic*

Under E.O. 14002 of January 22, 2021 (Economic Relief Related to the COVID–19 Pandemic), federal agencies are required to ''identify actions they can take within existing authorities to address the current economic crisis resulting from the pandemic.'' [19] Agencies are further directed to ''prioritize actions that provide the greatest relief to individuals, families, and small businesses; and to State, local, Tribal, and territorial governments.'' [20]

This action supports economic recovery by delaying the impact of TSA's regulatory requirements as applied to freight railroads responsible for moving cargo across the country, small businesses such as some OTRB owner/operators, and the State and local governments operating public transportation systems. Delaying the compliance dates described above will allow these regulated entities to focus on serving the needs of their customers and the communities they serve, ensuring the safety of their employees, and implementing the federal government's requirements for masks to be worn within the nation's commercial and public transportation systems.

## IV. Regulatory Analysis

*A. Administrative Procedure Act*

TSA takes this action without prior notice and public comment. Sections 553(b) and (d) of the Administrative Procedure Act (5 U.S.C. 553) authorize agencies to dispense with certain rulemaking procedures when they find good cause to do so. Under section 553(b), the requirements of notice and opportunity to comment do not apply when the agency for good cause finds that these procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Section 553(d) allows an agency, upon finding good cause, to make a rule effective immediately, thereby avoiding the 30-day delayed effective date requirement in section 553.

This final rule recognizes the need to extend the compliance deadline for the requirement in the Security Training Final Rule that would be most difficult for owner/operators to implement during the current COVID–19 public health crisis and the significant disruption and uncertainty in both private and local government operations caused by this crisis. Specifically, TSA is extending the period during which owner/operators must develop a security training program for their employees and submit the program to TSA for approval. Delaying this requirement also effectively delays the deadline for training employees.

TSA has good cause to delay the compliance deadlines without advance notice and comment or a delayed effective date.[21] To delay taking this action while waiting for public comment would be impracticable and contrary to the public interest. The owner/operators subject to the requirements of the final rule need immediate certainty regarding the deadlines of the final rule so that they may focus on other urgent issues affecting their operations.

Given that the rule does not impose new requirements, provides regulatory relief consistent with E.O. 14002 of January 22, 2021, and otherwise only involves technical corrections to an existing regulation, TSA finds sufficient good cause exists to dispense with an opportunity for notice-and-comment and the 30-day effective date requirement. The rule will, therefore, be effective immediately upon publication.

*B. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) [22] requires federal agencies to consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information. OMB has approved the collection of information for the Security Training Final Rule under OMB control number 1652–0066. While this rule delays the timing of submission, it does not modify the collection burdens that OMB has already approved.

*C. Executive Orders 12866 and 13563*

E.O. 12866 of September 30, 1993 (Regulatory Planning and Review) and E.O. 13563 January 18, 2011 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

E.O. 12866 defines ''significant regulatory action'' as one that is likely to result in a rule that may (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or

submitted to TSA, the agency has 60 days (2 months) to review and approve a security program, with the ability to extend the review period and/or require the owner/operator to modify the program, which would stay the 60-day period.

[19] *See* E.O. 14002 at Sec. 2(a), published at 86 FR 7229 (Jan. 27, 2021).

[20] *Id.* at Sec. 2b).

[21] *See* 5 U.S.C. 553(b)(B), (d).

[22] *See* 44 U.S.C. 3501 *et seq.*

safety, or state, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the E.O. OMB has not designated this rule a ''significant regulatory action,'' under E.O. 12866. Accordingly, OMB has not reviewed it.

*D. Regulatory Flexibility Act Assessment*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), requires federal agencies to consider the potential impact of regulations on small businesses, small government jurisdictions, and small organizations during the development of their rules. This final rule, however, makes changes for which notice and comment are not necessary. Accordingly, DHS is not required to prepare a regulatory flexibility analysis.[23]

*E. Executive Order 13132*

A rule has federalism implications under E.O. 13132 of August 4, 1999 (Federalism), if it has a substantial direct effect on State governments, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. DHS has analyzed this rule under E.O. 13132 and determined that although this rule affects the States, it does not impose substantial direct compliance costs or preempt State law.[24] The rule relieves burdens on States.

*F. Unfunded Mandates Assessment*

The Unfunded Mandates Reform Act of 1995 requires federal agencies to assess the effects of their regulatory actions. In particular, the Unfunded Mandates Reform Act of 1995 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 million (adjusted for inflation) or more in any one year. This final rule will not result in such an expenditure.

[23] See 5 U.S.C. 603, 604.

[24] See E.O. 13132, sec. 6.

*G. Environment*

TSA has reviewed this rulemaking for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment. This action is covered by categorical exclusion number A3(e) in DHS Management Directive 023–01 (formerly Management Directive 5100.1), Environmental Planning Program, which guides TSA compliance with the National Environmental Policy Act of 1969.

**List of Subjects**

*49 CFR Part 1570*

Commuter bus systems, Crime, Fraud, Hazardous materials transportation, Motor carriers, Over-the-Road bus safety, Over-the-Road buses, Public transportation, Public transportation safety, Rail hazardous materials receivers, Rail hazardous materials shippers, Rail transit systems, Railroad carriers, Railroad safety, Railroads, Reporting and recordkeeping requirements, Security measures, Transportation facility, Transportation Security-Sensitive Materials.

*49 CFR Part 1582*

Public transportation, Public transportation safety, Railroad carriers, Railroad safety, Railroads, Rail transit systems, Reporting and recordkeeping requirements, Security measures.

**The Amendments and Corrections**

For the reasons stated in the preamble, the Transportation Security Administration is amending and making correcting amendments to 49 CFR parts 1570 and 1582 as follows:

## PART 1570—GENERAL RULES

■ 1. The authority citation for part 1570 continues to read as follows:

**Authority:** 18 U.S.C. 842, 845; 46 U.S.C. 70105; 49 U.S.C. 114, 5103a, 40113, and 46105; Pub. L. 108–90 (117 Stat. 1156, Oct. 1, 2003), sec. 520 (6 U.S.C. 469), as amended by Pub. L. 110–329 (122 Stat. 3689, Sept. 30, 2008) sec. 543 (6 U.S.C. 469); Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), 1408 (6 U.S.C. 1137), 1413 (6 U.S.C. 1142), 1414 (6 U.S.C. 1143), 1501 (6 U.S.C. 1151), 1512 (6 U.S.C. 1162), 1517 (6 U.S.C. 1167), 1522 (6 U.S.C. 1170), 1531 (6 U.S.C. 1181), and 1534 (6 U.S.C. 1184).

## Subpart B—Security Programs

■ 2. Amend § 1570.109 by revising paragraphs (b)(1) and (2) to read as follows:

**§ 1570.109 Submission and approval.**

* * * * *

(b) * * *

(1) Submit its program to TSA for approval no later than June 21, 2021.

(2) If commencing or modifying operations so as to be subject to the requirements of subpart B to 49 CFR parts 1580, 1582, or 1584 after June 21, 2021, submit a training program to TSA no later than 90 calendar days before commencing new or modified operations.

* * * * *

■ 3. Amend § 1570.111 by revising paragraph (a) to read as follows:

**§ 1570.111 Implementation schedules.**

(a) *Initial security training.* Each owner/operator required under parts 1580, 1582, or 1584 of this subchapter to adopt and carry out a security program must provide initial security training to security-sensitive employees, using the curriculum approved by TSA and in compliance with the following schedule.

(1) For security training programs submitted to TSA for approval on or before March 22, 2021, if the employee is employed to perform a security-sensitive function on the date TSA approves the program, then initial training must be provided no later than fifteen months after the date that TSA approves the owner/operator's security training program.

(2) For security training programs submitted to TSA for approval after March 22, 2021, if the employee is employed to perform a security-sensitive function on the date TSA approves the program, then initial training must be provided no later than twelve months after the date that TSA approves the owner/operator's security training program.

(3) If performance of a security-sensitive job function is initiated after TSA approves the owner/operator's security training program, then initial training must be provided no later than 60 calendar days after the employee first performs the security-sensitive job function.

(4) If the security-sensitive job function is performed intermittently, then no later than the 60th calendar day of employment performing a security-sensitive function, aggregated over a consecutive 12-month period.

* * * * *

■ 4. Amend § 1570.203 by revising paragraph (a) to read as follows:

**§ 1570.203 Reporting significant security concerns.**

(a)(1) Except as provided in paragraph (a)(2) of this section, each owner/

operator identified in §§ 1580.1, 1582.1, and 1584.101 of this subchapter must report, within 24 hours of initial discovery, any potential threats and significant security concerns involving transportation-related operations in the United States or transportation to, from, or within the United States as soon as possible by the methods prescribed by TSA.

(2) An owner/operator identified in § 1582.1(a)(2) of this subchapter (public transportation agency) that owns or operates a bus-only operation must only comply with the requirements in this section if the owner/operator is identified in appendix A to part 1582 of this subchapter or is notified by TSA in writing that a threat exists concerning that operation.

* * * * *

## PART 1582—PUBLIC TRANSPORTATION AND PASSENGER RAILROAD SECURITY

■ 5. The authority citation for part 1582 continues to read as follows:

**Authority:** 49 U.S.C. 114; Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), and 1408 (6 U.S.C. 1137).

### Subpart B—Security Programs

■ 6. Amend § 1582.101 by revising paragraph (c) to read as follows:

**§ 1582.101 Applicability.**

* * * * *

(c) Each owner/operator described in § 1582.1(a)(1) through (3) that serves as a host railroad to a freight operation described in § 1580.101 of this subchapter or to a passenger train operation described in paragraph (a) or (b) of this section.

Dated April 29, 2021.

**Darby LaJoye,**

*Senior Official Performing the Duties of the Administrator.*

[FR Doc. 2021–09394 Filed 4–30–21; 4:15 pm]

BILLING CODE 9110–05–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 210427–0092; RTID 0648–XX069]**

## Fisheries of the Northeastern United States; Atlantic Spiny Dogfish Fishery; Revised 2021 and Projected 2022 Specifications

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues final revised specifications for the 2021 Atlantic spiny dogfish fishery, and projected specifications for fishing year 2022, based on the Mid-Atlantic Fishery Management Council's updated risk policy, as recommended by the Mid-Atlantic and New England Fishery Management Councils. This action is necessary to establish allowable harvest levels to prevent overfishing while enabling optimum yield, using the best scientific information available, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Spiny Dogfish Fishery Management Plan. This rule also informs the public of these revised fishery specifications for the 2021 fishing year.

**DATES:** Effective on May 1, 2021.

**ADDRESSES:** The Mid-Atlantic Fishery Management Council prepared a Supplemental Information Report (SIR) for these specifications that describes the action and any changes from the original environmental assessment (EA) and analyses for this revised 2021 and 2022 specifications action. Copies of the SIR, original EA, and other supporting documents for this action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at *https://www.mafmc.org/supporting-documents.*

**FOR FURTHER INFORMATION CONTACT:** Cynthia Ferrio, Fishery Policy Analyst, (978) 281–9180.

**SUPPLEMENTARY INFORMATION:**

### Background

The Mid-Atlantic Fishery Management Council and the New England Fishery Management Council jointly manage the Atlantic Spiny Dogfish Fishery Management Plan (FMP), with the Mid-Atlantic Council acting as the administrative lead. Additionally, the Atlantic States Marine Fisheries Commission manages the spiny dogfish fishery in state waters from Maine to North Carolina through an interstate fishery management plan. The FMP requires the specification of an annual catch limit (ACL), annual catch target (ACT), and total allowable landings (TAL). These limits and other management measures may be set for up to five fishing years at a time, with each fishing year running from May 1 through April 30. This action implements revised specifications for the 2021 spiny dogfish fishery, based on the Mid-Atlantic Council's updated Risk Policy, and projects maintaining these specifications for fishing year 2022.

Specifications were already projected for the 2021 spiny dogfish fishery as a part of a multi-year specifications action for 2019–2021, based on a 2018 assessment update. Under those initial specifications, the commercial quota would increase 18 percent from fishing year 2020. However, the Mid-Atlantic Council recently updated its risk policy to accept a higher level of risk for stocks at or above biomass targets (85 FR 81152; December 15, 2020), and the Councils recommended that the projected acceptable biological catch (ABC) and resulting commercial quota for the 2021 spiny dogfish fishing year be recalculated using this new approach. Applying the new risk policy increases the 2021 ABC 9 percent from what was initially projected (24 percent above 2020), and raises the 2021 commercial quota 8 percent (27 percent above 2020). The Councils also recommended projecting unchanged specifications for fishing year 2022, as there is a research track stock assessment scheduled for spiny dogfish in 2022, and there will be little additional or new data prior to the assessment to inform specifications prior to that fishing year.

The proposed rule for this action published in the **Federal Register** on March 4, 2021 (86 FR 12591), and comments were accepted through March 19, 2021. NMFS received one comment from the public, and no changes were made to the final rule as a result of the comment (see Comments and Responses for additional detail). Additional background information regarding the development of these specifications was provided in the proposed rule and is not repeated here.

### Final Specifications

This action implements the Councils' recommendations for final 2021 and

projected 2022 spiny dogfish specifications to maintain compliance with the Mid-Atlantic Council's updated risk policy (Table 1), as outlined in the proposed rule. Although catch limits were already projected to increase in 2021 compared to fishing year 2020, this final revised commercial quota is 8-percent higher than it would have been before applying the new risk policy. Specifications for fishing year 2022 are projected to be unchanged from these revised 2021 limits.

TABLE 1—SUMMARY OF FINAL 2021 AND PROJECTED 2022 SPINY DOGFISH SPECIFICATIONS

| | 2021–2022 Specifications | |
|---|---|---|
| | Million pounds | Metric tons |
| ABC | 38.58 | 17,498 |
| ACL = ACT | 38.48 | 17,453 |
| TAL | 29.68 | 13,461 |
| Commercial Quota | 29.56 | 13,408 |

This action does not change any other fishery management measures, including the 6,000-lb Federal trip limit and restriction of one landed trip per calendar day, leaving them unchanged for fishing years 2021 and 2022. By providing projected specifications for 2022, NMFS hopes to assist fishery participants in planning ahead. The Councils will review these projected 2022 specifications to determine if any changes need to be made prior to their final implementation. Changes may occur if quota overages trigger accountability measures, or if new stock information results in changes to the ABC recommendations. NMFS will publish a notice prior to the 2022 fishing year to confirm the projected quotas as final or announce any necessary changes. NMFS expects the 2022 stock assessment to inform development of the next set of specifications beginning in fishing year 2023.

## Comments and Responses

The public comment period for the proposed rule ended on March 19, 2021, and NMFS received one comment from the public. The commenter stated that the proposed increase in quota is foolhardy, and suggested that dogfish quotas should instead be cut by 50 percent. The commenter presented no rationale or evidence to support these claims. These specifications were developed using the best scientific information available and recent fishery behavior, and incorporates an allowable level of risk according to the Mid-Atlantic Council's risk policy. No changes to the proposed specifications were made as a result of the comment.

## Changes From the Proposed Rule

There are no changes from the proposed rule.

## Classification

Pursuant to section 304(b)(3) of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Administrator, Greater Atlantic Region, has determined that these specifications are necessary for the conservation and management of the Atlantic spiny dogfish fishery, and that it is consistent with the Atlantic Spiny Dogfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable laws.

This action relieves a restriction by increasing annual quota catch limits in the spiny dogfish fishery, and is therefore not subject to the 30-day delayed effectiveness provision of the Administrative Procedure Act pursuant to 5 U.S.C. 553(d)(1). This final rule increases all catch specifications from the ABC to the coastwide commercial quota from what was initially planned to go into effect in fishing year 2021 by 8 and 9 percent, respectively; and 24 and 27 percent, respectively, compared to 2020 specifications. These increases are intended to provide additional flexibility and economic opportunity for the spiny dogfish fishing industry. The 2021 fishing year begins on May 1, 2021. If the 30-day delayed effectiveness period postpones the implementation of these measures beyond the May 1 start of the fishing year, the lower and unnecessarily restrictive initially projected 2021 catch limits will roll over into the beginning of 2021. This would be contrary to the public interest as it could create confusion and potential economic harm to the spiny dogfish fishery through lost opportunity under the lower catch limits at the beginning of the fishing year. Furthermore, this action does not require any additional time to come into compliance with this rule. Unlike actions that require an adjustment period, spiny dogfish fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Therefore, NMFS also finds good cause not to delay this final rule's effectiveness, consistent with 5 U.S.C. 553(d)(3); and to implement these specifications on May 1, 2021, for the 2021 fishing year.

This final rule is exempt from review under Executive Order 12866 because the action contains no implementing regulations.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none was prepared.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

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

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

Dated: April 28, 2021.

**Samuel D. Rauch III,**

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

[FR Doc. 2021–09288 Filed 4–29–21; 4:15 pm]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register
Vol. 86, No. 84
Tuesday, May 4, 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 ENERGY

### 10 CFR Part 430

**[EERE–2019–BT–TP–0024]**

**RIN 1904–AE51**

## Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review: Ceiling Fan Light Kits

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Request for information.

**SUMMARY:** The U.S. Department of Energy (''DOE'') is undertaking an early assessment review to determine whether amendments are warranted for the test procedure for ceiling fan light kits (''CFLKs''). DOE has identified certain issues associated with the currently applicable test procedure on which DOE is interested in receiving comment. The issues outlined in this document mainly concern updating currently referenced industry standards to their latest versions. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not raised in this request for information (''RFI'').

**DATES:** Written comments and information are requested and will be accepted on or before June 3, 2021.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *CFLK2019TP0024@ee.doe.gov.* Include ''Ceiling Fan Light Kit Test Procedure Request For Information'' and docket number EERE–2019–BT–TP–0024 and/or RIN number 1904–AE51 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Programs staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document (Submission of Comments).

*Docket:* The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: *http://www.regulations.gov/docket?D=EERE-2019-BT-TP-0024.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2588. Email: *Amelia.Whiting@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
A. Authority
B. Rulemaking History
II. Request for Information
A. Scope and Definitions
B. Test Procedure
1. IES LM–9
2. IES LM–79
III. Submission of Comments

### I. Introduction

DOE established an early assessment review process to conduct a more focused analysis that would allow DOE to determine, based on statutory criteria, whether an amended test procedure is warranted. 10 Code of Federal Regulations (''CFR'') part 430 subpart C appendix A section 8(a). This RFI requests information and data regarding whether an amended test procedure would more accurately and fully comply with the requirement that the test procedure produce results that measure energy use during a representative average use cycle or period of use for the product, and not be unduly burdensome to conduct. To inform interested parties and to facilitate this process, DOE has identified several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. Based on the information received in response to the RFI and DOE's own analysis, DOE will determine whether to proceed with a rulemaking for an amended test procedure.

If DOE makes an initial determination that an amended test procedure would more accurately or fully comply with statutory requirements, or DOE's analysis is inconclusive, DOE would undertake a rulemaking to issue an amended test procedure. If DOE makes an initial determination based upon available evidence that an amended test procedure would not meet the applicable statutory criteria, DOE would

engage in notice and comment rulemaking before issuing a final determination that an amended test procedure is not warranted.

*A. Authority*

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include CFLKs, the subject of this document. (42 U.S.C. 6291(50), 42 U.S.C. 6293(b)(16)(A)(ii), 42 U.S.C. 6295(ff)(2)–(5))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited instances for particular State laws or regulations, in accordance with the procedures and other provisions set forth under 42 U.S.C. 6297(d).

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including CFLKs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) DOE is publishing this RFI to collect data and information to inform its decision to satisfy the 7-year-lookback review requirement.

*B. Rulemaking History*

On December 24, 2015, DOE published a final rule (''December 2015 Final Rule'') making two key updates to its CFLK test procedure. 80 FR 80209. First, DOE updated the CFLK test procedure to require that representations of efficacy, including certifications of compliance with CFLK standards, be made according to the corresponding DOE lamp test procedures, where they exist (*e.g.,* for a CFLK with medium screw base sockets that is packaged with compact fluorescent lamps (''CFLs''), the CFLK test procedure references the DOE test procedure for CFLs at 10 CFR 430.23(y)). 80 FR 80209, 80211. Second, DOE updated the CFLK test procedure by establishing in a separate appendix, *i.e.,* appendix V1, the test procedure for CFLKs packaged with inseparable light sources that require luminaire efficacy testing (*e.g.,* CFLKs with integrated solid state lighting (''SSL'') circuitry) and for CFLKs packaged with lamps for which DOE test procedures did not exist. 80 FR 80209, 80212. With these changes, the December 2015 Final Rule aligned CFLK requirements for measuring efficacy of lamps and/or light sources in CFLKs with current DOE lamp test procedures.

The December 2015 Final Rule also replaced references to superseded ENERGY STAR requirements with the latest versions of industry standards in appendix V, the test procedure for measuring system efficacy of the lamp and ballast platform. Additionally, for ease of reference, the final rule replaced references to ENERGY STAR requirements in existing CFLK standards contained in 10 CFR 430.32(s) with the specific requirements. 80 FR 80209, 80211. Further, in that final rule, DOE determined that it accounts for standby mode energy consumption of CFLKs under the efficiency metric for ceiling fans rather than under the CFLK efficiency metric; and therefore, did not specify a standby mode test procedure for CFLKs. 80 FR 80209, 80212.

Representations regarding CFLKs subject to the January 21, 2020 standards must be based on the amended test procedure, including appendix V1. See 80 FR 80209, 80220 and 81 FR 580 (January 6, 2016).

## II. Request for Information

DOE is publishing this RFI to collect data and information during the early assessment review to inform its decision, consistent with its obligations under EPCA, as to whether the Department should proceed with an amended test procedure rulemaking, and if so, to assist in the development of proposed amendments. Accordingly, in the following sections, DOE has identified specific issues on which it seeks input to aid in its analysis of whether an amended test procedure for CFLKs would more accurately or fully comply with the requirement that the test procedure produces results that measure energy use during a representative average use cycle for the product, and not be unduly burdensome to conduct. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

The current DOE test procedure for CFLK can be found at 10 CFR part 430, subpart B, Appendix V and Appendix V1. All CFLKs manufactured as of January 21, 2020 must be tested according to appendix V1. Because appendix V is no longer applicable, DOE is considering removing it. Accordingly, in the following sections, DOE focuses on identifying issues as they pertain to Appendix V1.

*Issue 1:* DOE requests comment on removal of appendix V, the test procedure required to be used for CFLKs with pin-based sockets that are manufactured on or after January 1, 2007, and prior to January 21, 2020.

*A. Scope and Definitions*

Appendix V1 establishes the test requirements to measure the energy efficiency of all CFLKs packaged with fluorescent lamps other than compact fluorescent lamps or general service fluorescent lamps, packaged with SSL products other than integrated light-emitting diode (''LED'') lamps, or with integrated SSL circuitry. To support the test procedure for CFLKs the following terms are defined in Appendix V1: ''CFLK with integrated SSL circuitry,'' ''covers,'' ''other (non-CFL and non-GSFL) fluorescent lamp,'' ''other SSL products,'' and ''solid-state Lighting (SSL).''

*B. Test Procedure*

The current DOE test procedure for CFLKs in Appendix V1 specifies instructions for measuring the lamp efficacy or luminaire efficacy, as applicable. Appendix V1 incorporates by reference IES LM–9–09 [3] (2009 version) for testing ''other fluorescent lamps'' (*i.e.,* not CFLs or general service fluorescent lamps (''GSFLs'')) and IES LM–79–08 [4] (2008 version) for testing

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] Illuminating Engineering Society, *IES LM–9–09 IES Approved Method: Electrical and Photometric Measurement of Fluorescent Lamps.* Approved January 31, 2009.

[4] Illuminated Engineering Society, *LM–79–08 IES Approved Method: Electrical and Photometric*

''other SSL products'' (*i.e.,* not integrated LED lamps) and CFLKs with integrated SSL circuitry. Appendix V1 references the industry standards for test conditions and measurements. These referenced industry test standards have been updated by industry since DOE last amended its test procedures. IES LM–9–09 has been updated with a 2020 version [5] (ANSI/IES LM–9–20) and the 2008 version of IES LM–79 (IES LM–79–08) has been updated with a 2019 version [6] (ANSI/IES LM–79–19). In the following sections, DOE requests information on how the changes in the updated versions of these standards would impact DOE's test procedure for CFLKs.

1. IES LM–9

IES LM–9 provides methods for taking electrical and photometric measurements of fluorescent lamps. DOE's initial review indicates no major changes in ANSI/IES LM–9–20 compared to IES LM–9–09 except for updates to certain relevant references. Section 6.2 of IES LM–9–2020 updates its reference of IES LM–54, the industry standard for lamp seasoning, from the 1999 version [7] (IESNA LM–54–99) to 2020 version [8] (ANSI/IES LM–54–20). Section 7.0 of ANSI/IES LM–9–20 updates its references of IES LM–78, the industry standard for measurements in an integrating sphere, from the 2007 version [9] (IESNA LM–78–07) to the 2020 version [10] (ANSI/IES LM–78–20). These updates are discussed in the following sections.

IES LM–54

DOE identified several changes in ANSI/IES LM–54–20 compared to the IESNA LM–54–99. ANSI/IES LM–54–20 adds a section on physical environment test conditions that cover topics such as keeping labs clean and within the ambient temperature range; not subjecting lamps to excessive vibration/shock; and using airflow to cool the seasoning area. ANSI/IES LM–54–20 also adds a section on electrical test conditions which includes instructions on frequency, voltage wave shape, voltage regulation, basic lamp connection protocols, and setting up an adjacent ground for fluorescent lamps. Additionally, ANSI/IES LM–54–20 includes a new section on test preparation which addresses how to handle and mark lamps. Finally, ANSI/IES LM–54–20 adds a statement expressly stating that the orientation of the lamp during seasoning should be maintained for the entire test.

*Issue 2:* DOE requests information and test data, if available, on any potential differences in testing under ANSI/IES LM–54–20 referenced in IES LM–9–20 and the resulting measurements of efficacy, as compared to efficacy as measured under IESNA LM–54–99 currently referenced by IES LM–9–09. Please specify the updates in ANSI/IES LM–54–20 compared to IESNA LM–54–99 that can result in changes to measured efficacy values and by how much the values will change.

IES LM–78

DOE identified several changes in ANSI/IES LM–78–20 as compared to IESNA LM–78–07. ANSI/IES LM–78–20 includes a new section on taking measurements with a spectroradiometer within a sphere. ANSI/IES LM–78–20 also provides specific sections on 2π and 4π geometry. For 4π geometry, ANSI/IES LM–78–20 states the total surface area of the lamp should be less than 2 percent of the total area of the sphere wall. ANSI/IES LM–78–20 also adds an explanation on using sphere angular response distribution function (''SRDF'') to assess sphere responsivity. Further the equation to compute luminous flux now includes subtraction of dark/stray light, a ratio of spectral mismatch correction factor to self-absorption factor, and the sphere angular non-uniformity correction factor.

DOE also identified updates to specifications in the IESNA LM–78–07. ANSI/IES LM–78–20 states the sphere diameter shall be 1.5 times the length of a linear lamp whereas it was specified as 2 times the length in the 2007 version. ANSI/IES LM–78–20 also states for the degree of the spectral match to the V(λ) function, it is preferable that the value of the photometer be less than 3 percent, whereas it was less than 5 percent in IESNA LM–78–07. Throughout ANSI/IES LM–78–20 the term spatial luminous intensity is replaced with angular luminous intensity. Finally, in ANSI/IES LM–78–20, the uncertainty analysis section has been condensed to a list of potential sources of errors and references to other industry standards for guidance.

*Issue 3:* DOE requests information and test data, if available, on any potential differences in testing under ANSI/IES LM–78–20 referenced in section 7.0 of ANSI/IES LM–9–20 and the resulting measurements of efficacy, as compared to efficacy as measured under IESNA LM–78–07 currently referenced by IES LM–9–09. Please specify the updates in ANSI/IES LM–78–20 compared to IESNA LM–78–07 that can result in changes to measured efficacy values and by how much the values will change.

*Issue 4:* DOE requests information and test data, if available, on any potential differences in testing under ANSI/IES LM–9–20 and the resulting measurements of efficacy, as compared to efficacy as measured under IES LM–9–09 currently incorporated by reference. Please specify the updates in ANSI/IES LM–9–20 compared to IES LM–9–09 that can result in changes to measured efficacy values and by how much the values will change.

*Issue 5:* DOE seeks comment on any differences in testing costs associated testing under ANSI/IES LM–9–20 compared to IES LM–9–09.

2. IES LM–79

I ES LM–79 provides methods for taking electrical and photometric measurements of SSL products. DOE's initial review indicates several key changes in ANSI/IES LM–79–19 compared to IES LM–79–08. Regarding testing conditions, ANSI/IES LM–79–19 changes the tolerance of ambient temperature to +/- 1.2 degrees Celsius measured not more than 1.5 meters from the test lamp, whereas in IES LM–79–08, it specified +/- 1 degree Celsius and measured from not more than 1 meter.

For instrumentation, ANSI/IES LM–79–19 requires the alternating current (''AC'') power analyzer to have a frequency range from direct current (''DC'') to at least 100 kilohertz (''kHz'') and for products with high-frequency components a frequency range of at least 1 megahertz (''MHz''). ANSI/IES LM–79–19 also adds current crest factor capability requirements for the AC power supply. Regarding power supply tolerances, the ANSI/IES LM–79–19 specifies: (1) The supplied frequency to have a tolerance of +/- 2 hertz (''Hz'') from the prescribed frequency; and (2) the AC voltage component of the DC regulated voltage to be less than 0.5

*Measurements of Solid-State Lighting Products.* Approved December 31, 2007.

[5] Illuminating Engineering Society, *ANSI/IES LM–9–2020—Approved Method: Electrical and Photometric Measurements of Fluorescent Lamps.* Approved February 7, 2020.

[6] Illuminating Engineering Society, *ANSI/IES LM–79–2019—Approved Method: Optical and Electrical Measurements of Solid-State Lighting Products.* Approved February 28, 2019.

[7] Illuminating Engineering Society of North America, *LM–54–99 IESNA Guide to Lamp Seasoning,* Approved May 10, 1999.

[8] Illuminating Engineering Society, *ANSI/IES LM–54–20 Approved Method: IES Guide to Lamp Seasoning,* Approved February 7, 2020.

[9] Illuminating Engineering Society of North America, *IESNA LM–78–07 IESNA Approved Method for Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer.* Approved January 28, 2007.

[10] Illuminating Engineering Society, *ANSI/IES LM–78–20 Approved Method: Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer.* Approved February 7, 2020.

percent root mean square (''RMS'') of the DC regulated voltage.

IES LM–79–08 required that the calibration uncertainties of instruments for AC voltage and current be a minimum of 0.2 percent and for the AC power meter be a minimum of 0.5 percent. ANSI/IES LM–79–19 replaces these specifications with expanded uncertainty minimums of: (1) 0.4 percent for RMS AC voltage for 60 Hz sinusoidal waveform measurements; (2) 0.6 percent for RMS AC current for 0.5 Hz to 1 kHz range and 2 percent for 1 kHz to 100 kHz range; and (3) 1 percent for active AC power in the 0.5 Hz to 1 kHz range and 2 percent in the 1 kHz to 100 kHz range.

For test circuits, ANSI/IES LM–79–19 adds the following specifications: (1) Use of separate sense leads to avoid voltage drops; (2) resistance and capacitance of test circuit (excluding power supply) to be less than respectively 0.5 ohms and 1.5 nanofarads; and (3) the internal impedance of voltage measurement circuits (excluding the power meter) to be at least 1 megaohm.

For electrical measurements, ANSI/IES LM–79–19 specifies the tolerances intervals of +/- 0.5 percent for AC RMS voltage, +/- 0.2 percent for DC voltage and current. It also states optical and electrical waveforms should be analyzed to ensure measurement equipment is appropriate and addresses inrush currents [11] and testing low voltage products.

Regarding stability, ANSI/IES LM–79–19 states that to determine stability three readings of light output and electrical power must be taken at 10-minute intervals over 20 minutes. IES LM–79–08 required three readings taken at 15-minute intervals over 30 minutes. ANSI/IES LM–79–19 also clarifies that it is the average of the three measurements taken chronologically that should be used to determine the stabilization threshold. Additionally, unlike IES LM–79–08, ANSI/IES LM–79–19 no longer allows the use of alternative stabilization methods for measurements of a number of products of the same model.

Finally, ANSI/IES LM–79–19 condenses the section on the integrating sphere method and directly references IES LM–78–17,[12] the 2017 version of the industry standard for measurements in an integrating sphere. Further, ANSI/IES LM–79–19 specifies that the spectroradiometer system have a wavelength uncertainty within 0.5 nanometers. ANSI/IES LM–79–19 also specifies that for 2π geometry the total surface area of the test lamp internal to the sphere should be no more than 1 percent of the total surface area of the sphere.

Currently, appendix V1 references section 2 through 9.2 of IES LM–79–08. If the DOE proposes to adopt ANSI/IES LM–79–19, sections 4 through 6 and 7.2 would be referenced.

*Issue 6:* DOE requests information and test data, if available, on any potential differences in testing under ANSI/IES LM–79–19 and the resulting measurements of efficacy, as compared to efficacy as measured under IES LM–79–08 currently incorporated by reference. Please specify the updates in ANSI/IES LM–79–19 compared to IES LM–79–08 that could result in changes to measured efficacy values and by how much the values will change.

*Issue 7:* DOE seeks comment on any differences in testing costs associated testing under ANSI/IES LM–79–19 compared to IES LM–79–08.

*Issue 8:* DOE specifically requests information and test data, if available, on any potential differences in the measurement of efficacy when using a goniophotometer instead of an integrating sphere.

*Issue 9:* DOE requests information on industry test procedures for photometric and electrical measurements of non-integrated organic light-emitting diode lamps or any other SSL products not covered under ANSI/IES LM–79–19.

## III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified in the **DATES** heading, comments and information on matters addressed in this RFI and on other matters relevant to DOE's early assessment of whether an amended test procedure for CFLKs is warranted and if so, what such amendments should be.

*Submitting comments via http://www.regulations.gov.* The *http://www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

*Submitting comments via email.* Comments and documents submitted via email also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not

[11] Some SSL products may experience inrush currents which are high instantaneous currents that occur when the power supply is turned on.

[12] Illuminating Engineering Society of America, *IES LM–78–17 Approved Method for Total Flux Measurement of Lamps Using an Integrating Sphere.* Approved January 9, 2017.

secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

*Campaign form letters.* Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

*Confidential Business Information.* Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

## Signing Authority

This document of the Department of Energy was signed on April 25, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 27, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021–09045 Filed 5–3–21; 8:45 am]

BILLING CODE 6450–01–P

---

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 117

**[Docket No. USCG–2020–0034]**

**RIN 1625–AA09**

## Drawbridge Operation Regulation; Chicago River, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to authorize the Amtrak Railroad Bridge, mile 3.77, across the South Branch of the Chicago River, to be operated remotely and establish an intermediate opening position. The request was made by the bridge owner. This proposed rule will improve vessel flow through the river. This proposed rule will not change the operating schedule of the bridge.

**DATES:** Comments and relate material must reach the Coast Guard on or before June 3, 2021.

**ADDRESSES:** You may submit comments identified by docket number USCG–2020–0034 using Federal e-Rulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil.*

**SUPPLEMENTARY INFORMATION:**

## I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IGLD85 International Great Lakes Datum of 1985
LWD Low Water Datum based on IGLD85
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

## II. Background, Purpose and Legal Basis

The Amtrak Railroad Bridge, mile 3.77, over the South Branch of the Chicago River provides a vertical clearance of 10 feet in the down position and 65 feet in the open position above LWD and a horizontal clearance of 156 feet. The bridge crosses the river on a slight skew on an ''S'' curve in the river requiring longer vessels to use most of the horizontal clearance for maneuvering. The South Branch of the Chicago River is part of a network of waterways that allow vessels to travel from Chicago, IL to New Orleans, LA. Cook County described the Chicago River as the 5th largest port in the United States, hosting commercial vessels over 300 tons, recreational power and sailing vessels, several passenger vessels, water taxies, paddle boats and various paddle craft. Most vessels can pass under all the bridges in the Chicago metropolitan area without an opening, except the Amtrak Bridge. During an average weekday, 150,000 commuters travel over the Amtrak Bridge.

In accordance with general bridge regulations a drawbridge must open promptly and fully when signaled to open. Lifting the bridge to 65 feet for every vessel when most vessels only need an additional 10 feet of clearance increases the delay experienced by all modes of transportation.

The Amtrak Bridge has been operating remotely for several years without any concerns for the mariners.

## III. Discussion of Proposed Rule

We propose to include in the regulations that the AMTRAK Bridge is authorized to operate remotely.

We also propose to allow the bridge to open to an intermediate position that will provide a vertical clearance of 34 feet above LWD. A yellow light at the center of the bridge, visible to vessels approaching the bridge from both upriver and downriver sides will verify the bridge has met the intermediate height. At any time a vessel with greater air draft can radio the drawtender and request a full opening. This proposed rule is expected to increase bridge availability to all users by 50%.

On April 8, 2020, we published a Temporary Deviation in the **Federal Register** (85 FR 19659) testing the remote operation and the intermediate height and requested comments from the mariners over the summer boating season. No comments were received.

## IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge without changing the bridge schedule and keeping the maximum advertised clearance available for vessels as needed.

### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator by keeping the original schedule and having the maximum lift available on request.

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

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

### *C. Collection of Information*

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

### *D. Federalism and Indian Tribal Government*

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

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

### *E. Unfunded Mandates Reform Act*

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

### *F. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, U.S. Coast Guard Environmental Planning Policy COMDTINST 5090.1 (series) and U.S. Coast Guard Environmental Planning Implementation Procedures (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). We have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally this action is categorically excluded from further review, under paragraph L49, of Chapter 3, Table3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

### *G. Protest Activities*

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

## V. Public Participation and Request for Comments

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

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

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *https://www.regulations.gov/privacynotice.*

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

**List of Subjects in 33 CFR Part 117**

Bridges.

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

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. Revise § 117.391 by adding paragraph (d) to read as follows:

**§ 117.391 Chicago River.**

* * * * *

(d) The Amtrak Bridge, mile 3.77, is authorized to operate remotely and open to the intermediate position on signal, unless a request for a full opening is received by the drawtender. The bridge is required to operate a marine radio.

Dated: April 5, 2021.

**D.L. Cottrell,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 2021–09002 Filed 5–3–21; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

**[Docket No. FWS–HQ–MB–2020–0032; FF09M21200;212;FXMB1231099BPP0]**

**RIN 1018–BE34**

## Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2021–22 Season

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter, Service or we) proposes special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2021–22 migratory bird hunting season. In issuing this proposed rule, we followed guidelines for a regulatory process that recognizes the reserved hunting rights and management authority of Indian Tribes while also ensuring that the migratory game bird resource receives necessary protection.

**DATES:**

*Written Comments:* You must submit comments on the proposed regulations by June 3, 2021.

*Information Collection Requirements:* If you wish to comment on the information collection requirements in this proposed rule, please send your comments and suggestions on this information collection by July 6, 2021.

**ADDRESSES:**

*Written Comments:* You may submit comments on the proposals by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2020–0032.

• *U.S. Mail:* Public Comments Processing, Attn: FWS–HQ–MB–2020–0032, U.S. Fish and Wildlife Service; MS: PRB (JAO/3W); 5275 Leesburg Pike; Falls Church, VA 22041–3803.

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).

*Information Collection Requirements:* Send your comments and suggestions on the information collection requirements to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018;0171 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** Jerome Ford, U.S. Fish and Wildlife Service, Department of the Interior, (202) 208–1050.

**SUPPLEMENTARY INFORMATION:**

### Background

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg'' of migratory game birds can take place and to adopt regulations for this purpose. These regulations, which are updated annually, must give due regard to ''the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' (16 U.S.C. 704(a)). The Secretary of the Interior has delegated to the Service the lead Federal responsibility for managing and conserving migratory birds in the United States; however, migratory bird management is a cooperative effort of Federal, State, and Tribal governments. The Service develops migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting.

### Special Migratory Bird Hunting Regulations for Indian Tribes

In response to Tribal requests for recognition of their reserved hunting rights and, for some Tribes, recognition of their authority to regulate hunting by both Tribal and nontribal hunters on their reservations, the Service developed guidelines for establishing special migratory bird hunting regulations for Indian Tribes (53 FR 31612, August 18, 1988). The guidelines include possibilities for:

(1) On-reservation hunting by both Tribal and nontribal hunters, with hunting by nontribal hunters on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by Tribal members only, outside of the usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by Tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 to September 1 closed season mandated by the 1916 Convention between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Treaty). The guidelines apply to those Tribes having recognized reserved hunting rights on Federal Indian

reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal hunters on all lands within the exterior boundaries of reservations where Tribes have full wildlife management authority over such hunting or where the Tribes and affected States otherwise have reached agreement over hunting by nontribal hunters on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the Tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a Tribe and State with the aim of facilitating an accord. We also will consult jointly with Tribal and State officials in the affected States where Tribes wish to establish special hunting regulations for Tribal members on ceded lands.

Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification: We routinely provide copies of **Federal Register** publications pertaining to migratory bird management to all State Directors, Tribes, and other interested parties. It is the responsibility of the States, Tribes, and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by Tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty, and does not adversely affect the status of the migratory bird resource. Before developing the guidelines, we reviewed available information on the current status of migratory bird populations, reviewed the current status of migratory bird hunting on Federal Indian reservations, and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by Tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal hunters on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, and we may modify regulations or establish experimental special hunts, after evaluation of information obtained by the Tribes.

We conclude the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian Tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. While the guidelines should not be viewed as inflexible, we note that they have been employed successfully since 1985. We should stress here, however, that use of the guidelines is not mandatory, and no action is required if a Tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

**Hunting Season Proposals From Indian Tribes and Organizations**

On October 9, 2020, we published in the **Federal Register** (85 FR 64097) a proposal to amend 50 CFR part 20 to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 2021–22 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The proposal provided a background and overview of the migratory bird hunting regulations process and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds. The proposed rule also invited proposals from Tribes that want to establish special hunting regulations for the 2021–22 migratory game bird hunting season.

For the 2021–22 hunting season, we received requests from 27 Tribes and Indian organizations. In this proposed rule, we respond to these 27 requests and also evaluate anticipated requests for 5 Tribes from whom we usually hear but from whom we have not yet received proposals. We actively solicit regulatory proposals from other Tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage Tribes to work with us to develop agreements for management of migratory bird resources on Tribal lands.

The proposed frameworks for flyway regulations were published in the **Federal Register** on February 22, 2021 (86 FR 10622). As previously discussed, no action is required by Tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the 32 Tribes that meet the established criteria or have recently proposed seasons are shown below.

*(a) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Tribal and Nontribal Hunters)*

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990, which addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation.

As in the past, Tribal regulations for nontribal hunters would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose, duck, and coot season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel shot or other federally approved nontoxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

For Tribal members, the Tribe proposes outside frameworks for ducks and geese of September 1, 2021, through March 9, 2022. Daily bag and possession limits were not proposed for Tribal members.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by nontribal hunters.

We propose to approve the Tribes' request for special migratory bird

regulations for the 2021–22 hunting season.

*(b) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)*

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for Tribal members. The Fond du Lac's proposal covers land set apart for the band under the Treaties of 1837 and 1854 in northeastern and east-central Minnesota and the Band's Reservation near Duluth.

The band's proposal for 2021–22 is essentially the same as that approved last year. The proposed 2021–22 waterfowl hunting season regulations for Fond du Lac are as follows:

Ducks

A. 1854 and 1837 Ceded Territories:

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 18 ducks, including no more than 12 mallards (only 3 of which may be hens), 9 black ducks, 9 scaup, 9 wood ducks, 9 redheads, 9 pintails, and 9 canvasbacks.

B. Reservation:

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 12 ducks, including no more than 8 mallards (only 2 of which may be hens), 6 black ducks, 6 scaup, 6 redheads, 6 pintails, 6 wood ducks, and 6 canvasbacks.

Mergansers

A. 1854 and 1837 Ceded Territories:

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 15 mergansers, including no more than 6 hooded mergansers.

B. Reservation:

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 10 mergansers, including no more than 4 hooded mergansers.

Canada Geese: All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 20 geese.

Sandhill Cranes: 1854 and 1837 Ceded Territories Only

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* Three sandhill cranes. A crane carcass tag is required prior to hunting.

Tundra and Trumpeter Swans: Reservation Only

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* Two swans. Swan carcass tags are required prior to hunting.

Coots and Common Moorhens (Common Gallinules): All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 20 coots and common moorhens, singly or in the aggregate.

Sora and Virginia Rails: All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 25 sora and Virginia rails, singly or in the aggregate.

Common Snipe: All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* Eight common snipe.

Woodcock: All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* Three woodcock.

Mourning Dove: All Areas

*Season Dates:* Begin September 1 and end November 30, 2021.

*Daily Bag Limit:* 30 mourning doves.

The following general conditions apply:

1. While hunting waterfowl, a Tribal member must carry on his/her person a valid Ceded Territory License.

2. Shooting hours for migratory birds are one-half hour before sunrise to one-half hour after sunset.

3. Except as otherwise noted, Tribal members will be required to comply with Tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting.

4. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

5. There are no possession limits for migratory birds. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a Tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The band anticipates harvest will be fewer than 500 ducks and geese, and fewer than 8 sandhill cranes and 8 trumpeter swans.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewa Indians.

*(c) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)*

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized Tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2021–22 season, the Tribe requests that the Tribal member duck season run from September 1, 2021, through January 20, 2022. A daily bag limit of 35 would include no more than 8 pintail, 4 canvasback, 5 hooded merganser, 8 black ducks, 10 wood ducks, 8 redheads, and 20 mallards (only 10 of which may be hens).

For Canada and snow geese, the Tribe proposes a September 1, 2021, through February 15, 2022, season. For white-fronted geese and brant, the Tribe proposes a September 20 through December 30, 2021, season. The daily bag limit for Canada and snow geese would be 15, and the daily bag limit for white-fronted geese, including brant, would be 5 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population will be harvested by the Tribe.

For woodcock, the Tribe proposes a September 1 through November 14, 2021, season. The daily bag limit will not exceed five birds. For mourning doves, snipe, and rails, the Tribe proposes a September 1 through November 14, 2021, season. The daily bag limit would be 25 mourning dove, 10 snipe, and 10 rail.

For sandhill crane, the Tribe proposes a September 1 through November 14, 2021, season. The daily bag limit would be 2 birds and a season limit of 8 birds.

For snipe and rails, the Tribe proposes a September 1 through November 14, 2021, season. The daily bag limit would be 10 birds per species.

Shooting hours would be from one-half hour before sunrise to one-half hour after sunset. All other Federal regulations contained in 50 CFR part 20 would apply. The Tribe proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. Harvest surveys from the 2013–14 hunting season indicated that approximately 30 Tribal hunters harvested an estimated 100 ducks and 45 Canada geese.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indians 2021–22 special migratory bird hunting proposal.

*(d) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)*

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized, off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), an intertribal agency exercising delegated natural resource management and regulatory authority from its member Tribes in portions of Wisconsin, Michigan, and Minnesota. Beginning in 1986, a Tribal season on ceded lands in the western portion of the Michigan Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources. We have approved regulations for Tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, GLIFWC requested, and we approved, regulations to permit Tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin originally concurred with the regulations, although both Wisconsin and Michigan have raised various concerns over the years. Minnesota did not concur with the original regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. In 1999, the U.S. Supreme Court upheld the existence of the tribes' treaty reserved rights in *Minnesota* v. *Mille Lacs Band,* 199 S. Ct. 1187 (1999).

We acknowledge all of the States' concerns, but point out that the U.S. Government has recognized the Indian treaty reserved rights, and that acceptable hunting regulations have been successfully implemented in Minnesota, Michigan, and Wisconsin. Consequently, in view of the above, we have approved regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of treaty reserved rights for band members to hunt and fish was pivotal in our decision to approve a 1991–92 season for the 1836 ceded area in Michigan. Since then, in the 2007 Consent Decree, the 1836 Treaty Tribes and the Michigan Department of Natural Resources and Environment established court-approved regulations pertaining to off-reservation hunting rights for migratory birds.

For 2021, GLIFWC proposes off-reservation special migratory bird hunting regulations on behalf of the member Tribes of the Voigt Intertribal Task Force of GLIFWC (for the 1837 and 1842 Treaty areas in Wisconsin and Michigan), the Mille Lacs Band of Ojibwe and the six Wisconsin Bands (for the 1837 Treaty area in Minnesota), and the Bay Mills Indian Community (for the 1836 Treaty area in Michigan). Member Tribes of the Task Force are as follows:

| Wisconsin | Minnesota | Michigan |
|---|---|---|
| Bad River Band of the Lake Superior Tribe of Chippewa Indians. | Mille Lacs Band of Chippewa Indians ..... | Lac Vieux Desert Band of Chippewa Indians. |
| Lac Courte Oreilles Band of Lake Superior Chippewa Indians. | Fond du Lac Band of Lake Superior Chippewa Indians. | Keweenaw Bay Indian Community. |
| Lac du Flambeau Band of Lake Superior Chippewa Indians. | | |
| Red Cliff Band of Lake Superior Chippewa Indians. | | |
| St. Croix Chippewa Indians of Wisconsin. | | |
| Sokaogon Chippewa Community (Mole Lake Band). | | |

This year, GLIFWC proposes to continue certain experimental regulatory changes approved during the 2017–18 season but first implemented in 2018 (83 FR 5037, February 5, 2018). First, in the 1837 and 1842 Treaty Areas, GLIFWC allows up to 50 Tribal hunters to use electronic calls for any open season under a limited and experimental design under a special Tribal permit. In addition to obtaining a special permit, the Tribal hunter is required to complete and submit a hunt diary for each hunt where electronic calls were used. Second, GLIFWC allows the take of migratory birds (primarily waterfowl) with the use of hand-held nets, hand-held snares, and/or capture of birds by hand in the 1837 and 1842 Treaty Areas. This use of nets, snares, or hand-capture includes the take of birds at night. Both the use of electronic calls and the use of nets, snares, or hand-capture are considered 3-year experimental seasons. We propose to approve the continuation of all these experimental proposals again this year. For more specific discussion on these regulatory changes, we refer the reader to the August 22, 2017, and February 5, 2018, proposed and final rules (82 FR 39716 and 83 FR 5037).

Under GLIFWC's proposed 2021–22 regulations, GLIFWC expects total ceded territory harvest to be approximately 2,000 to 3,000 ducks, 400 to 600 geese, 50 sandhill cranes, and 30 swans, which is roughly similar to anticipated levels in the previous year.

Harvest surveys conducted after the 1996, 1997, 1998, 2001, 2004, 2007, 2008, 2011, 2012, 2015, 2018, and 2019 Tribal seasons indicate that Tribal off-reservation harvest has averaged approximately 1,325 ducks and 300 geese annually during this period. Due to the limited distribution of doves and dove habitat in the ceded territory, and the relatively small number of Tribal off-reservation migratory bird hunters, dove harvest is negligible. Two sandhill cranes were reported harvested in each of the first three Tribal crane seasons (2012–2014), 3 in 2015, 0 in 2016, 15 in 2017, 31 in 2018, and 24 in 2019. No swans were harvested in the first three

Tribal swan seasons (2014–2016), but two swans were harvested in 2017 and 2018 respectively, and 9 in 2019. All swans harvested have been trumpeters.

The proposed 2021–22 waterfowl hunting season regulations apply to all treaty areas (except where noted) for GLIFWC as follows:

Ducks

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 50 ducks in the 1837 and 1842 Treaty Area; 30 ducks in the 1836 Treaty Area.

Mergansers

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 10 mergansers.

Geese

*Season Dates:* Begin September 1 and end December 31, 2021. In addition, any portion of the ceded territory that is open to State-licensed hunters for goose hunting outside of these dates will also be open concurrently for Tribal members.

*Daily Bag Limit:* 20 geese in aggregate.

Other Migratory Birds

A. Coots and Common Moorhens (Common Gallinules):

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails:

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag and Possession Limits:* 20, singly, or in the aggregate, 25.

C. Common Snipe:

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 16 common snipe.

D. Woodcock:

*Season Dates:* 1836 Ceded Territory: Begin September 1, 2021; end December 31, 2021; 1837 & 1842 Ceded Territories: Begin September 3, 2021; end December 31, 2021.

*Daily Bag Limit:* 10 woodcock.

E. Mourning Dove: 1837 and 1842 Ceded Territories only.

*Season Dates:* Begin September 1 and end November 29, 2021.

*Daily Bag Limit:* 15 mourning doves.

F. Sandhill Cranes:

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 5 cranes and no seasonal bag limit in the 1837 and 1842 Treaty areas; 3 cranes and no seasonal bag limit in the 1836 Treaty area.

G. Swans: 1837 and 1842 Ceded Territories only.

*Season Dates:* Begin September 1 and end December 31, 2021.

*Daily Bag Limit:* 5 swans. All harvested swans must be registered by presenting the fully-feathered carcass to a Tribal registration station or GLIFWC warden. If the total number of trumpeter swans harvested reaches 20, the swan season will be closed by emergency Tribal rule.

General Conditions

A. All Tribal members will be required to obtain a valid Tribal waterfowl hunting permit.

B. Except as otherwise noted, Tribal members will be required to comply with Tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by Federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin (Voigt)* and *Mille Lacs Band* v. *State of Minnesota* cases. Chapter 10 in each of these model codes regulates ceded territory migratory bird hunting. Both versions of Chapter 10 parallel Federal requirements as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting. They also automatically incorporate by reference the Federal migratory bird regulations adopted in response to this proposal.

C. Particular regulations of note include:

1. Nontoxic shot will be required for all waterfowl hunting by Tribal members.

2. Tribal members in each zone will comply with Tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

3. There are no possession limits, with the exception of 25 rails (in the aggregate) and 20 trumpeter swans total. For purposes of enforcing bag limits, all migratory birds in the possession and custody of Tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a Tribal or State conservation warden as taken on reservation lands. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

4. There are no shell limit restrictions.

5. Hunting hours are from 30 minutes before sunrise to 30 minutes after sunset, except that, within the 1837 and 1842 Ceded Territories, hunters may use non-mechanical nets or snares that are operated by hand to take those birds subject to an open hunting season at any time. Hunters shall also be permitted to capture, without the aid of other devices (*i.e.,* by hand), and immediately kill birds subject to an open season, regardless of the time of day.

6. An experimental application of electronic calls will be continued in the 1837 and 1842 Ceded Territories. Up to 50 Tribal hunters will be allowed to use electronic calls. Individuals using these devices will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where electronic calls are used; and they will be required to submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit for the following year. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; if other hunters were in the area, any interactions with other hunters; and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years (through the 2021–22 season), after which a full evaluation would be completed.

7. Within the 1837 and 1842 Ceded Territories, Tribal members will be allowed to use non-mechanical, hand-operated nets (*i.e.,* throw/cast nets or hand-held nets typically used to land fish) and hand-operated snares, and may chase and capture migratory birds without the aid of hunting devices (*i.e.,* by hand). At this time, non-attended nets or snares shall not be authorized under this regulation. Tribal members using nets or snares to take migratory birds, or taking birds by hand, will be required to obtain a special permit; they will be required to complete a hunt diary for each hunt where these methods are used; and they will be required to submit the hunt diary to the Commission within 2 weeks of the end of the season in order to be eligible to obtain a permit to net migratory birds for the following year. Required information will include the date, time, and location of the hunt; number of hunters; the number of each species harvested per hunting event; and other information deemed appropriate. Diary results will be summarized and documented in a Commission report, which will be submitted to the Service. Barring unforeseen results, this experimental application would be replicated for 3 years (through the 2021–22 season), after which a full evaluation would be completed.

We propose to approve the above GLIFWC regulations for the 2021–22 hunting season.

*(e) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)*

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for Tribal members and nonmembers since the 1986–87 hunting season. The Tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

The Tribe proposes a 2021–22 waterfowl and Canada goose season beginning October 2, 2021, and a closing date of November 30, 2021. Daily bag and possession limits for waterfowl would be the same as Pacific Flyway States. The Tribe proposes a daily bag limit for Canada geese of two. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

During the Jicarilla Game and Fish Department's 2017–18 season, estimated duck harvest was 82. The species composition included mainly mallards, gadwall, and bufflehead. The estimated harvest of geese was six birds.

The proposed regulations are essentially the same as were established last year. The Tribe anticipates the maximum 2021–22 waterfowl harvest would be around 200 ducks and 20 geese.

We propose to approve the Tribe's requested 2021–22 hunting seasons.

*(f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)*

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The Tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The Tribe enjoys excellent wildlife management relations with the State. The Tribe and the State have an operational memorandum of understanding with emphasis on fisheries but also for wildlife.

The nontribal member seasons described below would pertain to a 176-acre waterfowl management unit and 800 acres of reservation land with a guide for waterfowl hunting. The Tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

The Kalispel Tribe proposes Tribal and nontribal member waterfowl seasons. The Tribe requests that both duck and goose seasons open at the earliest possible date and close on the latest date under Federal frameworks.

For nontribal hunters on tribally managed lands, the Tribe requests the seasons open at the earliest possible date and remain open, for the maximum amount of open days. The Tribe requests a season for ducks run September 18–19 and September 25–26, 2021, and from October 1, 2021, to January 8, 2022. In that period, nontribal hunters would be allowed to hunt approximately 107 days. Hunters should obtain further information on specific hunt days from the Kalispel Tribe.

For nontribal hunters on tribally managed lands, the Tribe also requests a season for geese run September 18–19 and September 25–26, 2021, and from October 1, 2021, to January 8, 2022. Total number of days should not exceed 107. Nontribal hunters should obtain further information on specific hunt days from the Tribe. Daily bag and possession limits would be the same as those for the State of Washington.

The Tribe reports past nontribal harvest of 1.5 ducks per day. Under the proposal, the Tribe expects harvest to be similar to last year, that is, fewer than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of nontoxic shot and possession of a signed Migratory Bird Hunting and Conservation Stamp (Duck Stamp), would be required.

For Tribal members on Kalispel-ceded lands, the Kalispel Tribe proposes season dates for ducks of October 3, 2021, through January 31, 2022, and for geese of September 15, 2021, through January 31, 2022. Daily bag and possession limits would parallel those in the Federal regulations contained in 50 CFR part 20.

The Tribe reports that there was no Tribal harvest. Under the proposal, the Tribe expects harvest to be fewer than 200 birds for the season with fewer than 100 geese. Tribal members would be required to possess a signed Federal Duck Stamp and a Tribal ceded lands permit.

We propose to approve the Kalispel Tribe regulations.

*(g) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)*

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon, and the Klamath Tribe. The Klamath Indian Game Commission sets the seasons. The Tribal biological staff and Tribal regulatory enforcement officers monitor Tribal harvest by frequent bag checks and hunter interviews.

For the 2021–22 seasons, the Tribe requests proposed season dates of October 5, 2021, through January 31, 2022. Daily bag limits would be 9 for ducks, 9 for geese, and 9 for coot, with possession limits twice the daily bag limit. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, this year's harvest would be similar to last year's. Information on Tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

We propose to approve those 2021–22 special migratory bird hunting regulations.

*(h) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)*

The Leech Lake Band of Ojibwe is a federally recognized Tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the Tribe have cooperatively established migratory bird hunting regulations since 2000.

For the 2021–22 season, we have yet to hear from the Leech Lake Tribe. The Tribe usually requests a duck season starting on September 12 and ending December 31, 2021 and a goose season to run from September 12 through December 31, 2021. Daily bag limits for ducks would be 10, including no more than 5 pintail, 5 canvasback, and 5 black ducks. Daily bag limits for geese would be 10. Possession limits would be twice the daily bag limit. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

The annual harvest by Tribal members on the Leech Lake Reservation is estimated at 250 to 500 birds.

We propose to approve the Leech Lake Band of Ojibwe's requested 2021–22 special migratory bird hunting season, upon receipt of their proposal.

*(i) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)*

The Little River Band of Ottawa Indians (LRBOI) is a self-governing, federally recognized Tribe located in Manistee, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee, and Wexford Counties. The Band proposes regulations to govern the hunting of migratory birds by Tribal members within the 1836 Ceded Territory as well as on the Band's Reservation.

LRBOI proposes a duck and merganser season from September 1, 2021, through January 31, 2022. A daily bag limit of 12 ducks would include no more than 2 pintail, 4 canvasback, 4 black ducks, 6 wood ducks, 4 redheads, 8 mallards (only 4 of which may be a hen), 10 common and red-breasted merganser, and 2 hooded merganser. Possession limits would be three times the daily bag limit.

For coots and gallinules, the Tribe proposes a September 14, 2021, through January 31, 2022, season. Daily bag limits would be 30.

For geese, the Tribe proposes a September 1, 2021, through February 15, 2022, season. Daily bag limits would be 10 geese.

For snipe, woodcock, and rails, the Tribe proposes a September 1 to December 31, 2021, season. The daily bag limit would be 25 common snipe, 5 woodcock, and 25 rails. Possession limits for all species would be three times the daily bag limit.

For mourning dove, the Tribe proposes a September 1 through March 1, 2022, season with a daily bag limit of 25. The possession limit would be three times the daily bag limit.

For sandhill crane, the Tribe proposes a September 1 through December 31, 2021, season with a daily bag limit of two. The possession limit would be three times the daily bag limit.

The Tribe monitors harvest through mail surveys. General conditions are as follows:

A. All Tribal members will be required to obtain a valid Tribal resource card and 2021–22 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20. Shooting hours will be from one-half hour before sunrise to sunset.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by Tribal members.

(2) Tribal members in each zone will comply with Tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

D. Tribal members hunting in Michigan will comply with Tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

We plan to approve Little River Band of Ottawa Indians' 2021–22 special migratory bird hunting seasons.

*(j) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)*

The Little Traverse Bay Bands of Odawa Indians (LTBB) is a self-governing, federally recognized Tribe located in Petoskey, Michigan, and a signatory Tribe of the Treaty of 1836. We have approved special regulations for Tribal members of the 1836 treaty's signatory Tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2021–22 season, the LTBB proposes regulations similar to those of other Tribes in the 1836 treaty area. The LTBB proposes the regulations to govern the hunting of migratory birds by Tribal members on the LTBB reservation and within the 1836 Treaty Ceded Territory. The Tribal member duck and merganser season would run from September 1, 2021, through January 31, 2022. A daily bag limit of 20 ducks and 10 mergansers would include no more than 5 hen mallards, 5 pintail, 5 canvasback, 5 scaup, 5 hooded merganser, 5 black ducks, 5 wood ducks, and 5 redheads.

For Canada geese, the LTBB proposes a September 1, 2021, through February 8, 2022, season. The daily bag limit for Canada geese would be 20 birds. We further note that, based on available data (of major goose migration routes), it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the LTBB. Possession limits are twice the daily bag limit.

For woodcock, the LTBB proposes a September 1 to December 1, 2021, season. The daily bag limit will not exceed 10 birds. For snipe, the LTBB proposes a September 1 to December 31, 2021, season. The daily bag limit will not exceed 15 birds. For mourning doves, the LTBB proposes a September 1 to November 14, 2021, season. The daily bag limit will not exceed 15 birds. For Virginia and sora rails, the LTBB proposes a September 1 to December 31, 2021, season. The daily bag limit will not exceed 20 birds per species. For coots and gallinules, the LTBB proposes a September 1 to December 31, 2021, season. The daily bag limit will not exceed 20 birds per species. The possession limit will not exceed 2 days' bag limit for all birds.

The LTBB also proposes a sandhill crane season to begin September 1 and end December 1, 2021. The daily bag limit will not exceed two birds. The possession limit will not exceed two times the bag limit.

All other Federal regulations contained in 50 CFR part 20 would apply, except the Tribe proposes the use of electronic calls for all species proposed. The Tribe has agreed to a one-year experimental MOA with the Service regarding the use of electronic calling.

Harvest surveys from the 2016–17 hunting season indicated that approximately 8 hunters harvested 10 different waterfowl species. No sandhill cranes were reported harvested during the 2016–17 season. The LTBB proposes to monitor harvest closely through game bag checks, patrols, and mail surveys. In particular, the LTBB proposes monitoring the harvest of Southern James Bay Canada geese and sandhill cranes to assess any impacts of Tribal hunting on the population.

We propose to approve the Little Traverse Bay Bands of Odawa Indians' requested 2021–22 special migratory bird hunting regulations.

*(k) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)*

The Lower Brule Sioux Tribe first established Tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via a memorandum of agreement (MOA) with the State of South Dakota. The MOA provided the Tribe jurisdiction over fish

and wildlife on reservation lands, including deeded and U.S. Army Corps of Engineers-taken lands. For the 2021–22 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to Tribal and nontribal hunters.

For the 2021–22 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a nontribal member duck, merganser, and coot season length of 97 days, or the maximum number of days allowed by Federal frameworks in the High Plains Management Unit for this season. The Tribe proposes a duck season from October 2, 2021, through January 6, 2022. The daily bag limit would be six birds or the maximum number that Federal regulations allow, including no more than two hen mallard and five mallards total, two pintail, two redhead, two canvasback, three wood duck, three scaup, and one mottled duck. Two bonus blue-winged teal are allowed during October 2–17, 2021. The daily bag limit for mergansers would be five, only two of which could be a hooded merganser. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed nontribal-member Canada goose season would run from October 23, 2021, through February 6, 2022 (107-day season length), with a daily bag limit of six Canada geese. The Tribe's proposed nontribal member white-fronted goose season would run from October 23, 2021, through January 18, 2022, with daily bag and possession limits concurrent with Federal regulations. The Tribe's proposed nontribal-member light goose season would run from October 23, 2021, through February 6, 2022. The light goose daily bag limit would be 20 or the maximum number that Federal regulations allow with no possession limits.

The Tribe proposes a dove season for nontribal members from September 1 through November 29, 2021. The dove daily bag limit would be 15.

For Tribal members, the Lower Brule Sioux Tribe proposes a duck, merganser, and coot season from September 1, 2021, through March 10, 2022. The daily bag limit would be six ducks, including no more than two hen mallard and five mallards total, one pintail, two redheads, two canvasback, three wood ducks, three scaup, two bonus teal during the first 16 days of the season, and one mottled duck or the maximum number that Federal regulations allow. The daily bag limit for mergansers would be five, only two of which could be hooded mergansers. The daily bag limit for coots would be 15. Possession limits would be three times the daily bag limits.

The Tribe's proposed Canada goose season for Tribal members would run from September 1, 2021, through March 10, 2022, with a daily bag limit of six Canada geese. The Tribe's proposed white-fronted goose Tribal season would run from September 1, 2021, through March 10, 2022, with a daily bag limit of two white-fronted geese or the maximum number that Federal regulations allow. The Tribe's proposed light goose Tribal season would run from September 1, 2021, through March 10, 2022. The light goose daily bag limit would be 20 or the maximum number that Federal regulations allow, with no possession limits.

The Tribe proposes a dove season for Tribal members from September 1, 2021, through January 31, 2022. The dove daily bag limit would be 15.

In the 2019 season, nontribal members harvested 167 geese and 424 ducks. Estimated duck harvest was 26 percent lower than the average harvest from 1993 2018. Goose harvest was 61 percent lower than the 1993 2018 average. Tribal members harvested approximately 40 ducks and 80 geese in 2019.

The Tribe anticipates a duck and goose harvest similar to those of the previous years. All basic Federal regulations contained in 50 CFR part 20, including the use of nontoxic shot, Duck Stamps, etc., would be observed by the Tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We plan to approve the Tribe's requested regulations for the Lower Brule Reservation if the nontribal members seasons' dates fall within final Federal flyway frameworks.

*(l) Lower Elwha Klallam Tribe, Port Angeles, Washington (Tribal Members Only)*

Since 1996, the Service and the Point No Point Treaty Tribes, of which Lower Elwha was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes are now acting independently, and it is our understanding that the Lower Elwha Klallam Tribe would like to establish migratory bird hunting regulations for Tribal members for the 2021–22 season. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2021–22 season, we have yet to hear from the Lower Elwha Klallam Tribe. The Tribe usually requests special migratory bird hunting regulations for ducks (including mergansers), geese, coots, band-tailed pigeons, snipe, and mourning doves. The Lower Elwha Klallam Tribe usually requests a duck and coot season from September 13 to January 4. The daily bag limit would be seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck would be one per season. The coot daily bag limit will be 25. The possession limit would be twice the daily bag limit, except as noted above.

For geese, the Tribe usually requests a season from September 13 to January 4. The daily bag limit would be four, including no more than three light geese. The season on Aleutian Canada geese would be closed.

For brant, the Tribe usually proposes to close the season.

For mourning doves, band-tailed pigeon, and snipe, the Tribe usually requests a season from September 1 to January 11, with a daily bag limit of 10, 2, and 8, respectively. The possession limit would be twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a Tribal hunting permit from the Lower Elwha Klallam Tribe pursuant to Tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe typically anticipates harvest to be fewer than 10 birds. Tribal reservation police and Tribal fisheries enforcement officers have the authority to enforce these migratory bird hunting regulations.

The Service proposes to approve the special migratory bird hunting regulations for the Lower Elwha Klallam Tribe, upon receipt of their proposal.

*(m) Lummi Nation Tribal Community, Bellingham, Washington (Tribal Members Only)*

In 2019, the Service and the Lummi Nation Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Lummi Nation Tribal Community is a federally recognized Indian Tribe. The Lummi Reservation is situated to the west of Bellingham and to the south of Ferndale, Washington, and was

established by the Treaty of Point Elliott of January 22, 1855.

For the 2021–22 season, we have yet to hear from the Lummi Nation Tribe. The Tribe usually proposes their duck (including mergansers and coot) and goose seasons run from September 1 to March 9. The daily bag limit on ducks is 20. The daily bag limit for coot is 25. For geese, the daily bag limit is 10. The season on brant runs from September 1 to March 9. The daily bag limit is five.

The Tribe usually proposes the snipe season run from September 1 to March 9. The daily bag limit for snipe is 15. The Tribe proposes the mourning dove season run from September 1 to March 9. The daily bag limit for mourning dove is 15. The Tribe usually proposes the band-tailed pigeon season run from September 1 to March 9. The daily bag limit for band-tailed pigeon is three. The Lummi Nation Tribal Community requests possession limits to be twice the daily bag limits, except coot is three times the daily bag limit.

The Community anticipates that the regulations will result in the harvest of approximately 600 ducks and 200 geese. The Lummi utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All Tribal regulations will be enforced by Tribal fish and game officers.

We propose to approve these 2021–22 special migratory bird hunting regulations, upon receipt of their proposal.

*(n) Makah Indian Tribe, Neah Bay, Washington (Tribal Members Only)*

The Makah Indian Tribe and the Service have been cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation since the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the State of Washington Game Management Units 601–603.

The Makah Indian Tribe proposes a duck and coot hunting season from September 25, 2021, to January 31, 2022. The daily bag limit is seven ducks, including no more than seven mallards (only two hen mallard), two canvasback, one pintail, three scaup, and two redhead. The daily bag limit for coots is 25. The Tribe has a year-round closure on wood ducks and harlequin ducks. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

For geese, the Tribe proposes that the season open on September 25, 2021, and close January 31, 2022. The daily bag limit for geese is four and two brant. The Tribe notes that there is a year-round closure on dusky Canada geese.

For band-tailed pigeons, the Tribe proposes that the season open September 1 and close December 31, 2021. The daily bag limit for band-tailed pigeons is two.

The Tribe anticipates that harvest under this regulation will be relatively low since there are no known dedicated waterfowl hunters and any harvest of waterfowl or band-tailed pigeons is usually incidental to hunting for other species, such as deer, elk, and bear. The Tribe expects fewer than 50 ducks and 10 geese to be harvested during the 2021–22 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

(1) As per Makah Ordinance 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 mile of an occupied area.

(2) Hunters must be eligible, enrolled Makah Tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl.

(3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within 1 mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation.

(4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

(5) Steel or bismuth shot only for waterfowl is allowed; the use of lead shot is prohibited.

(6) The use of dogs is permitted to hunt waterfowl.

The Service proposes to approve the Makah Indian Tribe's requested 2021–22 special migratory bird hunting regulations.

*(o) Muckleshoot Indian Tribe, Auburn, Washington (Tribal Members Only)*

The Muckleshoot Tribe is a federally recognized Tribe with reserved hunting rights under the Treaty of Medicine Creek 1854 and Treaty of Point Elliott 1855. Hunting occurs within the treaty areas as well as on lands traditionally hunted by the Muckleshoot Indian Tribe.

The Muckleshoot Indian Tribe proposes a duck, merganser, and coot hunting season from September 1, 2021, to March 10, 2022. The daily bag limit is seven, including no more than two hen mallard, two canvasback, two pintail, three scaup, two redhead, two scoter, two long-tailed duck, and two goldeneye. The daily bag limit for coots is 25. The Tribe has a limit on harlequin ducks of one per season.

For geese, the Tribe proposes that the season open on September 1, 2021, and close March 10, 2022. The daily bag limit for geese is 4 Canada geese, 6 light geese, 10 white-fronted geese, and 2 brant. The Tribe notes that there is a year-round closure on dusky Canada geese.

For band-tailed pigeons, mourning dove, and snipe, the Tribe proposes that the season open September 1, 2021, and close March 10, 2022. The daily bag limits are 2, 15, and 8, respectively.

The Tribe anticipates that harvest under this regulation will be relatively low since no known harvest has occurred over the past 20 years, and there are no known dedicated waterfowl or other migratory bird hunters. Harvest will be for personal cultural and subsistence purposes. We anticipate fewer than 100 ducks and 100 geese may be harvested.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the Tribe:

(1) Hunting can occur on reservation and off reservation on lands where the Tribe has treaty-reserved hunting rights, or has documented traditional use.

(2) Shooting hours for all species of waterfowl are one-half hour before sunrise to one-half after sunset.

(3) Hunters must be eligible enrolled Muckleshoot Tribal members and must carry their Tribal identification while hunting.

(4) Tribal members hunting migratory birds must also have a combined Migratory Bird Hunting Permit and Harvest Report Card.

(5) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited.

(6) Hunting for migratory birds is with shotgun only. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Service proposes to approve the Muckleshoot Indian Tribe's 2021–22 special migratory bird hunting regulations.

*(p) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)*

Since 1985, we have established uniform migratory bird hunting regulations for Tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New

Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

For the 2021–22 season, the Tribe requests the earliest opening dates and longest duck, merganser, Canada goose, and coot seasons, and the same daily bag and possession limits allowed to Pacific Flyway States under final Federal frameworks for Tribal and nontribal members.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1–30, 2021, with daily bag limits of 10 and 5, respectively. Possession limits would be twice the daily bag limits.

The Nation requires Tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter age 16 or older must carry on his/her person a valid Duck Stamp, which must be signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The Tribe anticipates a total harvest of fewer than 500 mourning doves; fewer than 10 band-tailed pigeons; fewer than 1,000 ducks, coots, and mergansers; and fewer than 1,000 Canada geese for the 2021–22 season. The Tribe measures harvest by mail survey forms. Through the established Navajo Nation Code, titles 17 and 18, and 23 U.S.C. 1165, the Tribe will take action to close the season, reduce bag limits, or take other appropriate actions if the harvest is detrimental to the migratory bird resource.

We propose to approve the Navajo Nation's 2021–22 special migratory bird hunting regulations.

*(q) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)*

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by Tribal and nontribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced the Tribe's hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin, and the majority of the seasons and limits are the same for the Tribe and Wisconsin.

For the 2021–22 season, the Tribe submitted a proposal requesting special migratory bird hunting regulations. For ducks, the Tribe's proposal describes the general outside dates as being September 11 through December 5, 2021. The Tribe proposes a daily bag limit of six birds, which could include no more than three hen mallards, six wood ducks, two redhead, two pintails, and two hooded merganser.

For geese, the Tribe requests a season between September 1 and December 31, 2021, with a daily bag limit of five Canada geese. If a quota of 500 geese is attained before the season concludes, the Tribe will recommend closing the season early.

For woodcock, the Tribe proposes a season between September 1 and November 7, 2021, with a daily bag and possession limit of two and four, respectively.

For mourning dove, the Tribe proposes a season between September 1 and November 7, 2021, with a daily bag and possession limit of 10 and 20, respectively.

The Tribe proposes shooting hours be one-half hour before sunrise to 15 minutes after sunset. Nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must comply with all State of Wisconsin regulations, including shooting hours of one-half hour before sunrise to sunset, season dates, and daily bag limits. Tribal members and nontribal hunters hunting on the Reservation or on lands under the jurisdiction of the Tribe must observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Oneida members would be exempt from the purchase of the Duck Stamp; and shotgun capacity is not limited to three shells.

The Service proposes to approve the 2021–22 special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

*(r) Point No Point Treaty Council Tribes, Kingston, Washington (Tribal Members Only)*

We are establishing uniform migratory bird hunting regulations for Tribal members on behalf of the Point No Point Treaty Council Tribes, consisting of the Port Gamble S'Klallam and Jamestown S'Klallam Tribes. The two Tribes have reservations and ceded areas in northwestern Washington State and are the successors to the signatories of the Treaty of Point No Point of 1855. These proposed regulations would apply to Tribal members both on and off reservations within the Point No Point Treaty Areas; however, the Port Gamble S'Klallam and Jamestown S'Klallam Tribal season dates differ only where indicated below.

For the Jamestown S'Klallam and the Port Gamble S'Klallam Tribes, the Council proposes duck, merganser, and coot seasons from September 1, 2021, through March 10, 2022. The daily bag limit would be seven ducks and mergansers. The daily bag limit and possession limit on harlequin ducks would be one per season. The daily bag limit for coots would be seven. The daily possession limits are three times the daily bag limits.

For geese, the Point No Point Treaty Council proposes the season open on September 1, 2021, and close March 10, 2022, for the Jamestown S'Klallam Tribe and Port Gamble S'Klallam Tribes. The daily bag limits for Canada geese, light geese, and white-fronted geese would be 5, 6, and 10, respectively. The Council notes that there is a year-round closure on dusky Canada geese. For brant, the Council proposes the season open on January 1 and close January 31, 2022, for the Port Gamble S'Klallam Tribe, and open on January 15 and close January 31, 2022, for the Jamestown S'Klallam Tribe. The daily bag limit for brant would be two.

For band-tailed pigeons, the Port Gamble S'Klallam and Jamestown S'Klallam Tribes seasons would open September 15 and close November 30, 2021. The daily bag limit for band-tailed pigeons would be two. For snipe, the Port Gamble S'Klallam Tribe and Jamestown S'Klallam Tribes seasons would open September 1, 2021, and close March 10, 2022. The daily bag limit for snipe would be eight. For mourning dove, the Port Gamble S'Klallam Tribe and the Jamestown S'Klallam Tribe would open September 1, 2021, and close March 10, 2022. The daily bag limit for mourning dove would be 10.

The Tribe anticipates a total harvest of fewer than 100 birds for the 2021–22 season. The Tribal fish and wildlife enforcement officers have the authority to enforce these Tribal regulations.

We propose to approve the Point No Point Treaty Council Tribe's 2021–22 special migratory bird season proposal.

*(s) Saginaw Tribe of Chippewa Indians, Mt. Pleasant, Michigan (Tribal Members Only)*

The Saginaw Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, located on the Isabella Reservation lands bound by Saginaw Bay in Isabella and Arenac Counties, Michigan.

For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 1, 2021, through January 31, 2022. The Tribe proposes a daily bag limit of 20 ducks, which could include

no more than 5 each of the following: hen mallards, wood duck, black duck, pintail, redhead, scaup, and canvasback. The merganser daily bag limit is 10, with no more than 5 hooded mergansers and 16 for common snipe.

For geese, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1, 2021, to January 31, 2022. The daily bag limit for geese is 20, in the aggregate. The daily bag limit for coot, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock and mourning dove, the Tribe proposes a season between September 1, 2021, and January 31, 2022, with daily bag limits of 10 and 25, respectively.

For sandhill crane, the Tribe proposes a season between September 1, 2021, and January 31, 2022, with a daily bag limit of one.

All Saginaw Tribe members exercising hunting treaty rights are required to comply with Tribal Ordinance 11. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2021–22 special migratory bird hunting regulations for the Saginaw Tribe of Chippewa Indians.

*(t) Sauk-Suiattle Indian Tribe, Darrington, Washington (Tribal Members Only)*

The Sauk-Suiattle Indian Tribe (SSIT) requests a 2021–22 hunting season on all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855. The Tribe's reservation is located in Darrington, Washington, just west of the North Cascade Mountain range in Skagit County on the Sauk and Suiattle Rivers. The Tribe owns and manages all the land on the reservation and some lands surrounding or near the reservation in Skagit and Snohomish Counties. All of the lands that are Tribal or reservation lands are closed for nontribal hunting, unless opened by an SSIT special regulation.

The Tribe proposes special migratory bird hunting regulations for ducks, geese, brant, coot, mourning dove, and band-tailed pigeon with outside dates of September 1, 2021, through March 10, 2022. The Tribe proposes a daily bag limit of 20 ducks, 20 geese, 5 brant, and 25 coot. The bag limit of 10 mourning dove and band-tailed pigeon is proposed.

Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2021–22 special migratory bird hunting regulations for the Sauk-Suiattle Indian Tribe.

*(u) Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan (Tribal Members Only)*

The Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized, self-governing Indian Tribe, distributed throughout the eastern Upper Peninsula and northern Lower Peninsula of Michigan. The Tribe has retained the right to hunt, fish, trap, and gather on the lands ceded in the Treaty of Washington (1836).

The Tribe proposes special migratory bird hunting regulations. For ducks, mergansers, and common snipe, the Tribe proposes outside dates as September 1 through December 31, 2021. The Tribe proposes a daily bag limit of 20 ducks, which could include no more than 10 mallards (5 hen mallards), 5 wood duck, 5 black duck, and 5 canvasbacks. The merganser daily bag limit is 10 in the aggregate and 16 for common snipe.

For geese, teal, coot, gallinule, sora, and Virginia rail, the Tribe requests a season from September 1 to December 31, 2021. The daily bag limit for geese is 20 in the aggregate. The daily bag limit for coot, teal, gallinule, sora, and Virginia rail is 20 in the aggregate.

For woodcock, the Tribe proposes a season between September 2 and December 1, 2021, with a daily bag and possession limit of 10 and 20, respectively.

For mourning dove, the Tribe proposes a season between September 1 and November 14, 2021, with a daily bag and possession limit of 10 and 20, respectively.

In 2019, the total estimated waterfowl hunters were 4,149, who harvested approximately 1,738 ducks. All Sault Ste. Marie Tribe members exercising hunting treaty rights within the 1836 Ceded Territory are required to submit annual harvest reports including date of harvest, number and species harvested, and location of harvest. Hunting hours would be from one-half hour before sunrise to one-half hour after sunset. All other regulations in 50 CFR part 20 apply, including the use of only nontoxic shot for hunting waterfowl.

The Service proposes to approve the request for 2021–22 special migratory bird hunting regulations for the Sault Ste. Marie Tribe of Chippewa Indians.

*(v) Shoshone–Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)*

Almost all of the Fort Hall Indian Reservation is tribally owned. The Tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed Tribal jurisdiction, especially for hunting by nontribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the Tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they would provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 2021–22 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a proposal for the 2021–22 hunting season, the Shoshone–Bannock Tribes request a continuous duck (including mergansers and coots) season, with the maximum number of days and the same daily bag and possession limits permitted for Pacific Flyway States under the final Federal frameworks. The Tribes propose a duck and coot season with, if the same number of hunting days is permitted as last year, an opening date of October 2, 2021, and a closing date of January 18, 2022. The Tribes anticipate harvest will be about 7,500 ducks.

The Tribes also request a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 2, 2021, and a closing date of January 18, 2022. The Tribes anticipate harvest will be about 5,000 geese.

The Tribes request a common snipe season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The Tribes propose that, if the same number of hunting days is permitted as in previous years, the season would have an opening date of October 2, 2021, and a closing date of January 18, 2022.

Nontribal hunters must comply with all basic Federal migratory bird hunting

regulations in 50 CFR part 20 pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone–Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year, and we propose to approve them for the 2021–22 hunting season if the seasons' dates fall within the final Federal flyway frameworks (applies to nontribal hunters only).

*(w) Skokomish Tribe, Shelton, Washington (Tribal Members Only)*

Since 1996, the Service and the Point No Point Treaty Tribes, of which the Skokomish Tribe was one, have cooperated to establish special regulations for migratory bird hunting. The Tribes have been acting independently since 2005. The Tribe has a reservation on the Olympic Peninsula in Washington State and is a successor to the signatories of the Treaty of Point No Point of 1855.

For the 2021–22 season, we have yet to hear from the Skokomish Tribe. The Skokomish Tribe usually requests a duck and coot season from September 16 to February 28. The daily bag limit is seven ducks, including no more than two hen mallards, one pintail, one canvasback, and two redheads. The daily bag and possession limit on harlequin duck is one per season. The coot daily bag limit is 25. The possession limit is twice the daily bag limit, except as noted above.

For geese, the Tribe usually requests a season from September 16 to February 28. The daily bag limit is four, including no more than three light geese. The season on Aleutian Canada geese is closed. For brant, the Tribe usually proposes a season from November 1 to February 15, with a daily bag limit of two. The possession limit is twice the daily bag limit.

For mourning doves, band-tailed pigeon, and snipe, the Tribe usually requests a season from September 16 to February 28, with a daily bag limit of 10, 2, and 8, respectively. The possession limit is twice the daily bag limit.

All Tribal hunters authorized to hunt migratory birds are required to obtain a Tribal hunting permit from the Skokomish Tribe pursuant to Tribal law. Hunting hours would be from one-half hour before sunrise to sunset. Only steel, tungsten-iron, tungsten-polymer, tungsten-matrix, and tin shot are allowed for hunting waterfowl. It is unlawful to use or possess lead shot while hunting waterfowl.

The Tribe anticipates harvest to be fewer than 150 birds. The Skokomish Public Safety Office enforcement officers have the authority to enforce these migratory bird hunting regulations.

We propose to approve the Skokomish Tribe's 2021–22 migratory bird hunting season, upon receipt of their proposal.

*(x) Spokane Tribe of Indians, Spokane Indian Reservation, Wellpinit, Washington (Tribal Members Only)*

The Spokane Tribe of Indians wishes to establish waterfowl seasons on their reservation for its membership to access as an additional resource. An established waterfowl season on the reservation will allow access to a resource for members to continue practicing a subsistence lifestyle.

The Spokane Indian Reservation is located in northeastern Washington State. The reservation comprises approximately 157,000 acres. The boundaries of the Reservation are the Columbia River to the west, the Spokane River to the south (now Lake Roosevelt), Tshimikn Creek to the east, and the 48th Parallel as the north boundary. Tribal membership comprises approximately 2,300 enrolled Spokane Tribal Members.

These proposed regulations would allow Tribal Members, spouses of Spokane Tribal Members, and first-generation descendants of a Spokane Tribal Member with a Tribal permit and Federal Duck Stamp an opportunity to utilize the reservation and ceded lands for waterfowl hunting. These regulations would also benefit Tribal membership through access to this resource throughout Spokane Tribal ceded lands in eastern Washington. By Spokane Tribal Referendum, spouses of Spokane Tribal Members and children of Spokane Tribal Members not enrolled are allowed to harvest game animals within the Spokane Indian Reservation with the issuance of hunting permits.

The Tribe requests to establish duck seasons that would run from September 2, 2021, through January 31, 2022. The Tribe is requesting the daily bag limit for ducks to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

The Tribe proposes a season on geese starting September 2, 2021, and ending on January 31, 2022. The Tribe is requesting the daily bag limit for geese to be consistent with final Federal frameworks. The possession limit is twice the daily bag limit.

Based on the quantity of requests the Spokane Tribe of Indians has received, the Tribe anticipates harvest levels for the 2021–22 season for both ducks and geese to be fewer than 100 total birds, with goose harvest at fewer than 50. Hunter success will be monitored through mandatory harvest reports returned within 30 days of the season closure.

We propose to approve the Spokane Tribe's requested 2021–22 special migratory bird hunting regulations.

*(y) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)*

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995 to establish special Tribal migratory bird hunting regulations. These special regulations apply to Tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For the 2021–22 season, we have yet to hear from the Squaxin Island Tribe. The Tribe usually requests to establish duck and coot seasons that would run from September 1 through January 15. The daily bag limit for ducks would be five per day and could include only one canvasback. The season on harlequin ducks is closed. For coots, the daily bag limit is 25. For snipe, the Tribe usually proposes that the season start on September 15 and end on January 15. The daily bag limit for snipe would be eight. For band-tailed pigeon, the Tribe usually proposes that the season start on September 1 and end on December 31. The daily bag limit would be five. The possession limit would be twice the daily bag limit.

The Tribe usually proposes a season on geese starting September 15 and ending on January 15. The daily bag limit for geese would be four, including no more than two snow geese. The season on Aleutian and cackling Canada geese would be closed. For brant, the Tribe usually proposes that the season start on September 1 and end on December 31. The daily bag limit for brant would be two. The possession limit would be twice the daily bag limit.

We propose to approve the Tribe's 2021–22 special migratory bird hunting regulations, upon receipt of their proposal.

*(z) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)*

The Stillaguamish Tribe of Indians and the Service have cooperated to establish special regulations for migratory game birds since 2001. For the 2021–22 season, the Tribe requests regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855, including their main hunting grounds

around Camano Island, Skagit Flats, and Port Susan to the border of the Tulalip Tribes Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties, and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized Tribe and reserves the Treaty Right to hunt (*U.S.* v. *Washington*).

The Tribe proposes their duck (including mergansers) and goose seasons run from October 1, 2021, to March 10, 2022. The daily bag limit on ducks (including sea ducks and mergansers) is 10 including no more than 7 mallards (3 of which may be hens), 3 pintail, 3 redhead, 3 scaup, 4 hooded merganser, and 3 canvasback. For geese, the daily bag limit is 6 Canada geese, 12 white-fronted geese, and 8 light geese. The season on brant is closed. Possession limits are twice the daily bag limits.

The Tribe proposes the coot season run from October 1, 2021, to January 31, 2022. The daily bag limit for coot is 25. The Tribe proposes the snipe season run from October 1, 2021, to January 31, 2022. The daily bag limit for snipe is 10. Possession limit is two times the daily bag limit. The Tribe proposes the swan season run from October 1, 2021, to January 31, 2022. The bag limit for swan is two per season.

Harvest is regulated by a punch card system. Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal law enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

The Tribe anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 100 coots, and 100 snipe. Anticipated harvest needs include subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

The Service proposes to approve the Stillaguamish Tribe's request for 2021–22 special migratory bird hunting regulations.

*(aa) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)*

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe consisting of the Swinomish, Lower Skagit, Samish, and Kikialous. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

For the 2021–22 season, the Tribal Community requests to establish a migratory bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The Tribe proposes their duck (including mergansers and coot) and goose seasons run from September 1, 2021, to March 9, 2022. The daily bag limit on ducks is 20. The daily bag limit for coot is 25. For geese, the daily bag limit is 10. The season on brant runs from September 1, 2021, to March 9, 2022. The daily bag limit is five.

The Tribe proposes the snipe season run from September 1, 2021, to March 9, 2022. The daily bag limit for snipe is 15. The Tribe proposes the mourning dove season run from September 1, 2021, to March 9, 2022. The daily bag limit for mourning dove is 15. The Tribe proposes the band-tailed pigeon season run from September 1, 2021, to March 9, 2022. The daily bag limit for band-tailed pigeon is three. The Swinomish Indian Tribal Community requests possession limits to be twice the daily bag limits, except coot is three times the daily bag limit. Shooting hours would be 30 minutes before official sunrise until 30 minutes after official sunset.

The Community anticipates that the regulations will result in the harvest of approximately 600 ducks and 200 geese. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All Tribal regulations will be enforced by Tribal fish and game officers.

*We propose to approve these 2021–22 special migratory bird hunting regulations.*

*(bb) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members Only)*

The Tulalip Tribes are the successors in interest to the Tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The Tribes or individual Tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

For ducks, mergansers, coot, and snipe, the Tribe proposes seasons for Tribal members from September 1, 2021, through February 28, 2022. Daily bag and possession limits would be 15 and 30 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established in accordance with final Federal frameworks. For coot, daily bag and possession limits are 25 and 75, respectively, and for snipe 8 and 24, respectively. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified Tribal member. Such a hunt must have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, Tribal members propose a season from September 1, 2021, through February 28, 2022. The goose daily bag and possession limits would be 10 and 30, respectively, except that the bag limits for cackling Canada geese and dusky Canada geese would be those established in accordance with final Federal frameworks. The daily bag and possession limits for black brant are 5 and 10, respectively.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special Tribal permit requirements, and a number of other Tribal regulations enforced by the Tribe. Each nontribal hunter 16 years of age and older hunting pursuant to Tulalip Tribes' Ordinance No. 67 must possess a valid Federal Duck Stamp and a valid State of Washington Migratory Waterfowl Stamp. Each hunter must validate stamps by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by Tribal and nontribal hunters of fewer than 1,000 ducks and 500 geese annually.

We propose to approve the Tulalip Tribe's request for 2021–22 special migratory bird hunting regulations.

*(cc) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)*

The Upper Skagit Indian Tribe and the Service have cooperated to establish special regulations for migratory game birds since 2001. The Tribe has jurisdiction over lands within Skagit, Island, and Whatcom Counties, Washington. The Tribe issues Tribal hunters a harvest report card that will be shared with the State of Washington.

For the 2021–22 season, the Tribe requests a duck season starting October 1, 2021, and ending February 28, 2022. The Tribe proposes a daily bag limit of 15 with a possession limit of 20. The Tribe requests a coot season starting October 1, 2021, and ending February 15, 2022. The coot daily bag limit is 20 with a possession limit of 30.

The Tribe proposes a goose season from October 1, 2021, to February 28, 2022, with a daily bag limit of 7 geese and a possession limit of 10. For brant, the Tribe proposes a season from November 1 to 10, 2021, with a daily bag and possession limit of two.

The Tribe proposes a mourning dove season between September 1 and December 31, 2021, with a daily bag limit of 12 and possession limit of 15.

The anticipated migratory bird harvest under this proposal would be 100 ducks, 5 geese, 2 brant, and 10 coots. Tribal members must have the Tribal identification and Tribal harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, except shooting hours would be 15 minutes before official sunrise to 15 minutes after official sunset.

We propose to approve the Tribe's 2021–22 special migratory bird hunting regulations.

*(dd) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)*

The Wampanoag Tribe of Gay Head is a federally recognized Tribe located on the island of Martha's Vineyard in Massachusetts. The Tribe has approximately 560 acres of land, which it manages for wildlife through its natural resources department. The Tribe also enforces its own wildlife laws and regulations through the natural resources department.

Wampanoag Tribe of Gay Head proposes a duck season of October 8, 2021, through February 16, 2022. The Tribe proposes a daily bag limit of eight birds, which could include no more than four hen mallards, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded mergansers, three wood ducks, one canvasback, two redheads, two pintail, and four of all other species not listed. The season for harlequin ducks is closed. The Tribe proposes a teal (green-winged and blue) season of October 8, 2021, through February 16, 2022. A daily bag limit of 10 teal would be in addition to the daily bag limit for ducks.

For sea ducks, the Tribe proposes a season between October 1, 2021, and February 16, 2022, with a daily bag limit of seven, which could include no more than one hen eider and four of any one species unless otherwise noted above.

For Canada geese, the Tribe requests a season between September 3 and 15, 2021, and between October 22, 2021, and February 16, 2022, with a daily bag limit of eight Canada geese. For snow geese, the Tribe requests a season between September 3 and 13, 2021, and between November 19, 2021, and February 16, 2022, with a daily bag limit of 15 snow geese.

For woodcock, the Tribe proposes a season between October 8 and November 24, 2021, with a daily bag limit of three. For sora and Virginia rails, the Tribe requests a season of September 3 through November 3, 2021, with a daily bag limit of 5 sora and 10 Virginia rails. For snipe, the Tribe requests a season of September 3 through December 8, 2021, with a daily bag limit of eight.

Prior to 2012, the Tribe had 22 registered Tribal hunters and estimates annual harvest to be no more than 15 geese, 25 mallards, 25 teal, 50 black ducks, and 50 of all other species combined. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20. The Tribe requires hunters to register with the Harvest Information Program.

We propose to approve the Tribe's 2021–22 special migratory bird hunting regulations.

*(ee) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)*

The White Earth Band of Ojibwe is a federally recognized Tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce migratory bird regulations. The Tribe and the Service first cooperated to establish special Tribal regulations in 1999.

The White Earth Band of Ojibwe requests a duck season to start September 11 and end December 12, 2021. For ducks, they request a daily bag limit of 10, including no more than 2 hen mallards, 2 pintail, and 2 canvasback. For mergansers, the Tribe proposes the season to start September 11 and end December 13, 2021. The merganser daily bag limit would be five, with no more than two hooded mergansers. For geese, the Tribe proposes an early season from September 1 through 24, 2021, and a late season from September 25 through December 12, 2021. The early season daily bag limit is 10 geese, and the late season daily bag limit is 5 geese.

For coots, the Tribe proposes a September 1 through November 30, 2021, season with daily bag limits of 20 coots. For snipe, woodcock, rail, and mourning dove, the Tribe proposes a September 1 through November 30, 2021, season with daily bag limits of 10, 10, 25, and 25, respectively. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the Tribe anticipates harvest of 1,000 to 2,000 Canada geese and 1,000 to 1,500 ducks. The White Earth Reservation Tribal Council employs four full-time conservation officers to enforce migratory bird regulations.

We propose to approve the Tribe's 2021–22 special migratory bird hunting regulations.

*(ff) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)*

The White Mountain Apache Tribe owns all reservation lands, and the Tribe has recognized full wildlife management authority.

The hunting zone for waterfowl is restricted and is described as: The length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3, will be open to waterfowl hunting during the 2021–22 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2021–22 season.

For nontribal and Tribal hunters, the Tribe proposes a continuous duck, coot, merganser, gallinule, and moorhen hunting season, with an opening date of October 16, 2021, and a closing date of January 23, 2022. For scaup, the Tribe proposes a season opening November 6, 2021, and a closing date of January 23, 2022. The Tribe proposes a daily duck (including mergansers) bag limit of seven, which may include no more than two redheads, one pintail, two scaup (when open), seven mallards (including no more than two hen mallards), and two canvasback. The daily bag limit for

coots, gallinules, and moorhens would be 25, singly or in the aggregate.

For geese, the Tribe proposes a season from October 16, 2021, through January 23, 2022. Hunting would be limited to Canada geese, and the daily bag limit would be three.

Season dates for band-tailed pigeons and mourning doves would start September 1 and end September 15, 2021, in Wildlife Management Unit 10 and all areas south of Y–70 and Y–10 in Wildlife Management Unit 7, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 10, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal.

A number of special regulations apply to Tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We plan to approve the White Mountain Apache Tribe's requested 2021–22 special migratory bird hunting regulations.

## Public Comments

The Department of the Interior's policy is, whenever possible, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgating final migratory game bird hunting regulations, we will consider all comments we receive. These comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax. We will not consider mailed comments that are not postmarked by the date specified in **DATES**.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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.

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,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in the preamble of a final rule.

## Required Determinations

Based on our most current data, we are affirming our required determinations made in the October 9, 2020, proposed rule (85 FR 64097); please see that document for descriptions of our actions to ensure compliance with the following statutes and Executive Orders:

- National Environmental Policy Act Consideration;
- Endangered Species Act Consideration;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12866, 12988, 13132, 13175, 13211, and 13563.

### *Paperwork Reduction Act*

This proposed rule contains existing and new information collections. The new information collection requirements (identified below under ''Reports'' and labeled as ''(NEW)'') require OMB approval. All information collections require approval under the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 2/29/2024).
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 4/30/2023).
- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 2/29/2024).

In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our proposal to revise OMB control number 1018–0171. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. The new annual reporting requirements identified below as ''NEW'' require OMB approval.

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any * * * bird, or any part, nest, or egg'' of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written after giving due regard to ''the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' and are updated annually (16 U.S.C. 704(a)). This responsibility has been delegated to the Service as the lead Federal agency for managing and conserving migratory birds in the United States. However, migratory game bird management is a cooperative effort of State, Tribal, and Federal governments. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and Tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

The Service develops migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. Acknowledging regional differences in hunting conditions, the Service has administratively divided the Nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central,

and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. The Flyway Councils, established through the Association of Fish and Wildlife Agencies, also assist in researching and providing migratory game bird management information for Federal, State, and Provincial governments, as well as private conservation entities and the general public.

We request the following information to establish annual migratory bird hunting seasons:

(1) Information Requested to Establish Annual Migratory Bird Hunting Seasons:

(A) Tribes that wish to use the guidelines to establish special hunting regulations for the annual migratory game bird hunting season are required to submit a proposal that includes:

(i) The requested migratory game bird hunting season dates and other details regarding the proposed regulations;

(ii) Harvest anticipated under the proposed regulations; and

(iii) Tribal capabilities to enforce migratory game bird hunting regulations.

(B) State and U.S. territory governments that wish to establish annual migratory game bird hunting seasons are required to provide the requested dates and other details for hunting seasons in their respective States or Territories.

(2) Reports: The following reports are requested from the States and are submitted either annually or every 3 years as explained in the following text.

(A) Reports from Experimental Hunting Seasons and Season Structure Changes:

Atlantic Flyway Council:

- Delaware—Experimental tundra swan season (yearly updates and final report)

Mississippi Flyway Council:

- Alabama—Experimental sandhill crane season (yearly updates and final report)
- Minnesota—Experimental teal-only season (yearly updates and final report) *(NEW)*

Central Flyway Council:

- New Mexico—Experimental sandhill crane season in Estancia Valley (yearly updates and final report). Now operational—Annual data are still required, but there is not a final report, since this monitoring will occur in perpetuity (or as long as the State has that hunt area).
- South Dakota and Nebraska—Experimental two-tier hunting regulations study (yearly updates and final report) *(NEW)*
- Wyoming—Split (3–way) season for Canada geese (final report only)

Pacific Flyway Council:

- California—Zones and split season for white-fronted geese (final report only)
- Idaho—Experimental swan season (yearly updates and final report) *(NEW)*

(B) Additional State-specific Annual Reports:

- Arizona—Sandhill crane subspecies composition of the harvest conducted at 3-year intervals
- North Carolina and Virginia—Tundra swan harvest and hunter participation data
- Montana (Central Flyway portion), North Dakota, and South Dakota—Tundra swan harvest and hunter participation data (yearly)
- Montana (Pacific Flyway portion)—Swan harvest-monitoring program to measure species composition (yearly)
- Montana (Pacific Flyway portion), Utah, and Nevada—Swan harvest-monitoring program to measure the species composition and report detailing swan harvest, hunter participation, reporting compliance, and monitoring of swan populations in designated hunt areas (yearly)

Reports and monitoring are used for a variety of reasons. Some are used to monitor species composition of the harvest for those areas where species intermingling can confound harvest management and potential overharvest of one species can be a management concern. Others are used to determine overall harvest for those species and/or areas that are not sampled well by our overall harvest surveys due to either the limited nature/area of the hunt or season or where the harvest needs to be closely monitored. Experimental season reports are used to determine whether the experimental season is achieving its intended goals and objectives, without causing unintended harm to other species and ultimately whether the experimental season should proceed to operational status. Most experimental seasons are 3-year trials with yearly reports and a final report. Most of the other reports and monitoring are conducted either annually or at 3-year intervals.

*Title:* Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20.

*OMB Control Number:* 1018–0171.

*Service Form Number:* None.

*Type of Request:* Revision of a currently approved collection.

*Description of Respondents:* State and Tribal governments.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually.

*Estimated Number of Annual Respondents:* 82 (from 52 State governments and Territories and 30 Tribal governments).

*Estimated Number of Annual Responses:* 98 (includes State and Tribal governments and additional reports from States).

*Average Completion Time per Response:* Varies from 4 hours to 650 hours, depending on the activity.

*Estimated Total Annual Burden Hours:* 9,378.

*Estimated Annual Non-hour Burden Cost:* None.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) 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, *e.g.,* permitting electronic submission of response.

Send your comments and suggestions on this information collection by the date indicated under *Information Collection Requirements* in **DATES** to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0171 in the subject line of your comments.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

**Authority**

The rules that eventually will be promulgated for the 2021–22 hunting

season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

**Shannon A. Estenoz,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2021–09057 Filed 5–3–21; 8:45 am]

BILLING CODE 4333–15–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 224

**[Docket No. 210427–0091;RTID 0648–XR115]**

## Endangered and Threatened Species; Removal of Siderastrea glynni From the Federal List of Threatened and Endangered Species

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** We, NMFS, are issuing a proposed rule to remove a coral, *Siderastrea glynni,* from the Federal List of Threatened and Endangered Species as recommended in the recent 5-year review of the species under the Endangered Species Act (ESA). We propose this action based on recently obtained genetic and morphological information that demonstrates that *S. glynni* does not meet the statutory definition of a species, and therefore does not qualify for listing under the ESA.

**DATES:** Information and comments on the subject action must be received by July 6, 2021.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2020–0165, by the following method:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2020–0165 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

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

**FOR FURTHER INFORMATION CONTACT:** Adrienne Lohe, NMFS Office of Protected Resources, *Adrienne.Lohe@noaa.gov,* (301) 427–8442.

**SUPPLEMENTARY INFORMATION:**

### Background

On July 15, 2013, WildEarth Guardians petitioned us to list 81 marine species, including *Siderastrea glynni,* as threatened or endangered under the ESA and to designate critical habitat. On October 25, 2013, we found that the petition presented substantial scientific information indicating that listing three species of foreign corals, including *S. glynni,* may be warranted, and initiated a Status Review (78 FR 63941).

The Status Review (Meadows 2014) used the best available scientific and commercial data to consider the status of and extinction risk to each of the three species. The Status Review noted genetic similarities between *S. glynni* (occurring in the eastern Pacific) and the Caribbean coral species *Siderastrea siderea* but ultimately concluded that *S. glynni* was a valid and unique species until more precise genetic studies could resolve the uncertainty about its status. Based on the lack of known populations in the wild, a small captive population in a single location, low growth rate and genetic diversity, and potential increased threats from El Niño, climate change, disease and other development and habitat degradation should it be reintroduced to Panama, extinction risk for this species was assessed to be high. Informed by the Status Review and our interpretation of the best available scientific and commercial data, NMFS published a final rule to list the species as endangered under the ESA on October 7, 2015, and the listing became effective on November 6, 2015 (80 FR 60560).

On April 7, 2020, we announced a 5-year review (85 FR 19456) for three foreign coral species including *S. glynni.* The 5-year review was completed on September 16, 2020 (NMFS 2020), and is available at: *https://www.fisheries.noaa.gov/resource/document/3-foreign-corals-5-year-review.* To complete the review, we collected, evaluated, and incorporated all information on the species that had become available since October 2015, the date of the final listing rule, including newly obtained genetic and morphological information relating to its taxonomy. This newly obtained information and the 5-year review inform the conclusions in this proposed rule.

### New Information Regarding Species Taxonomy

The discovery of *S. glynni* occurred in 1992 at Urabá Island, Panama Gulf, where five live colonies of *Siderastrea* sp. were found, one of which was collected and designated as the holotype for the new species (Budd and Guzmán 1994). The remaining four colonies of *S. glynni* were subsequently transplanted to aquaria at the Smithsonian Tropical Research Institute on Naos Island, Panama, and despite extensive search efforts, no other colonies have been found in the area (Glynn *et al.* 2016). The presence of the species in the eastern Pacific was noteworthy because the other extant *Siderastrea* species were only known to occur in the western Pacific and the tropical Atlantic (Glynn *et al.* 2016). Additionally, no fossil evidence exists for *Siderastrea* occurring in the eastern Pacific over the last 5 million years (LaJeunesse *et al.* 2016).

As reported in the Status Review, a study by Forsman *et al.* (2005) found *Siderastrea glynni* to be genetically very similar to the Caribbean coral species *Siderastrea siderea.* The study provided two possible explanations for these results: (1) That *S. siderea* and *S. glynni* are the same species and that *S. glynni* may have recently passed through or been carried across the Panama Canal to the Pacific Ocean side, or (2) that *S. glynni* evolved from *S. siderea,* likely about 2 to 2.3 million years ago during a period of high sea level when the Isthmus of Panama may have been breached, allowing inter-basin transfer of species' ancestors. The Status Review concluded that *S. glynni* was a valid and unique species until more precise genetic studies could resolve the uncertainty about its taxonomy.

The 5-year review synthesizes significant new information regarding the taxonomic classification of *S. glynni* that has become available since the species was listed as endangered. LaJeunesse *et al.* (2016) found *S. glynni* to host endosymbionts *Symbiodinium trenchii* and *Sy. goreaui,* both of which occur in *S. siderea* in the Atlantic. (Based on recent taxonomic revisions to

the family Symbiodiniaceae, these two endosymbionts are now identified as *Durusdinium trenchii* and *Cladocopium goreaui,* respectively (LaJeunesse *et al.* 2017)). In fact, the study by LaJeunesse *et al.* (2016) provided the first record of both of these endosymbionts in the eastern Pacific. A comparison of the single multilocus genotype of *D. trenchii* found in all five *S. glynni* colonies to other *D. trenchii* genotypes from several regions around the world provide evidence that the *D. trenchii* genotype from the eastern Pacific originated from the Greater Caribbean. The *D. trenchii* genotype found in the *S. glynni* colonies was an exact match to the *D. trenchii* genotype of a *S. siderea* colony in Curaçao, indicating that the presence of *D. trenchii* in the eastern Pacific is almost certainly a result of an introduction from the Atlantic (LaJeunesse *et al.* 2016). Furthermore, the genotype of *D. trenchii* recovered from *S. glynni* was found to be genetically distinct from other genotypes of closely related endosymbionts of family Symbiodiniaceae living in co-occurring eastern Pacific corals of the genus *Pocillopora,* and is therefore atypical of the region (LaJeunesse *et al.* 2016). More recently, the closely related endosymbiont in the eastern Pacific was identified as a new species (*Durusdinium glynni*) distinct from *D. trenchii,* further supporting their differentiation (Wham *et al.* 2017). LaJeunesse *et al.* (2016) conclude that *S. glynni* is likely to be *S. siderea* introduced from the Atlantic.

Glynn *et al.* (2016) discuss several lines of evidence further supporting the synonymy of *S. glynni* and *S. siderea.* First, the authors discuss the location and timing of the introduction of *S. siderea* to the site where *S. glynni* was discovered. In the early 1980s, blocks of *S. siderea* skeletons were transplanted from the Caribbean side of Panama to a reef at Urabá Island in the eastern Pacific as part of a comparative study of bioerosion (Kleemann 1990). After a period of several months, regenerating patches of *S. siderea* on the blocks were apparent; several fragments from these blocks were redeposited on the Urabá patch reef (the same site where *S. glynni* was discovered) in 1982 and were not retrieved (Glynn *et al.* 2016). Using the initial size (approximately 1 cm diameter) and expected growth rate (5.2 mm per year over a 10-year period) of the introduced *S. siderea* fragments, a 10 cm spherical colony would be expected after 10 years (Glynn *et al.* 2016). The five colonies found in 1992 measured between 7 and 10 cm in diameter, supporting the timeline of introduction (Budd and Guzmán 1994).

Glynn *et al.* (2016) also provide morphological evidence for the proposed synonymy. Despite observed variability in micro-skeletal traits among *S. siderea, S. radians,* and the type specimen of *S. glynni,* a single-factor multivariate analysis of variance (MANOVA) showed no significant differences with respect to all of the examined traits across the three species ($F_{3,17} = 2.2937$, $p = 0.1146$) (Glynn *et al.* 2016). There are, however, morphological differences between the *S. glynni* specimens and *S. siderea* as initially described by Budd and Guzmán (1994), including growth form (*S. glynni* was found unattached while *S. siderea* is typically attached) as well as corallite wall structure, which was not quantified in the analysis by Glynn *et al.* (2016). The authors suggest that as the oceanic conditions in the Gulf of Panama are quite different from those in the Caribbean, certain skeletal features of the Pacific colonies could have been environmentally influenced, leading Budd and Guzmán to declare the discovered colonies a new species of *Siderastrea* (Glynn *et al.* 2016).

Based on this substantial evidence, Glynn *et al.* (2016) conclude that the live fragments of *S. siderea* deposited by Kleeman in 1982 are the same that were found by Guzmán in 1992, and therefore, that *S. glynni* should be considered a junior synonym of *S. siderea.* After reviewing the best available information, we agree that *S. glynni* is a synonym of *S. siderea* and not a separate taxonomic species or subspecies. It cannot qualify as a distinct population segment (DPS) under the statutory definition of a species because DPSs can be identified only for vertebrate fish or wildlife. Therefore, *S. glynni* does not meet the statutory definition of a species under the ESA.

## Effects of Determination

Under section 4(c)(1) and 4(c)(2) of the ESA, the Secretary shall undertake a 5-year review of a listed species and consider, among other things, whether a species' listing status should be changed. Pursuant to implementing regulations at 50 CFR 424.11(e), a species shall be delisted if the Secretary of Commerce finds that, after conducting a status review based on the best scientific and commercial data available:

(1) The species is extinct;

(2) The species does not meet the definition of an endangered species or a threatened species; or

(3) The listed entity does not meet the statutory definition of a species.

We are proposing to remove *S. glynni* from the Federal List of Threatened and Endangered Species because the new genetic and morphological data evaluated and interpreted in the context of the best available data indicate that the listed entity is a junior synonym of *S. siderea* and does not meet the statutory definition of a species. If *S. glynni* is delisted, then the protections of the ESA would no longer apply. In addition, because *Siderastrea siderea* is not listed as an endangered species or threatened species under the ESA, our proposed delisting of *S. glynni* would have no effect on *S. siderea.*

Per the joint NMFS–U.S. Fish and Wildlife Service Post-Delisting Monitoring Plan Guidance (2008, updated in 2018), the post-delisting monitoring requirements of section 4(g) of the ESA apply without exception to all species delisted due to biological recovery, but do not pertain to species delisted for other reasons. Based on this reasoning, there is no need for a post-delisting monitoring plan for *S. glynni.*

## References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

## Information Quality Act and Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Peer Review Bulletin, implemented under the Information Quality Act (Pub. L. 106–554), is intended to enhance the quality and credibility of the Federal government's scientific information, and applies to influential or highly influential scientific information disseminated on or after June 16, 2005.

To satisfy our requirements under the OMB Peer Review Bulletin, this proposed rule was subject to peer review in accordance with the Bulletin. A peer review plan was posted on the NOAA peer review agenda and can be found at the following website: *https://www.noaa.gov/organization/information-technology/information-quality-peer-review-id423.* The agency did not receive public comments on the plan. Our synthesis and assessment of scientific information supporting this proposed action was peer reviewed via

individual letters soliciting the expert opinions of four qualified specialists selected from the academic and scientific community. The charge to the peer reviewers and the peer review report have been placed in the administrative record and posted on the agency's peer review agenda. In meeting the OMB Peer Review Bulletin requirements, we have also satisfied the requirements of the 1994 joint U.S. Fish and Wildlife Service/NMFS peer review policy (59 FR 34270; July 1, 1994).

**Classification**

*National Environmental Policy Act (NEPA)*

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing to the best scientific and commercial data available. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F. 2d 829 (6th Cir. 1981), we have concluded that NEPA does not apply to ESA listing actions. (See NOAA Administrative Order 216–6.)

*Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act*

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

*Executive Order 13132, Federalism*

E.O. 13132 requires agencies to take into account any federalism impacts of regulations under development. It includes specific consultation directives for situations where a regulation will preempt state law, or impose substantial direct compliance costs on state and local governments (unless required by statute). Neither of these circumstances is applicable to this proposed rule.

**List of Subjects in 50 CFR Part 224**

Endangered and threatened species.

Dated: April 27, 2021.

**Samuel D. Rauch III,**

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

For the reasons set out in the preamble, 50 CFR part 224 is proposed to be amended as follows:

## PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

**§ 224.101 [Amended]**

■ 2. In § 224.101, in the table in paragraph (h), under the subheading ''Corals'', remove the entry for ''Coral, [no common name] (*Siderastrea glynni*)''.

[FR Doc. 2021–09090 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 660

**[Docket No. 210423–0088]**

**RIN 0648–BK25**

## Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2021 Harvest Specifications for Pacific Whiting, and 2021 Pacific Whiting Tribal Allocation

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

**ACTION:** Revised proposed rule; reopening of public comment.

**SUMMARY:** NMFS issues the revised proposed rule for the 2021 Pacific whiting fishery under the authority of the Pacific Coast Groundfish Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, the Pacific Whiting Act of 2006 (Whiting Act), and other applicable laws. NMFS issued a proposed rule on February 16, 2021 that proposed the 2021 Pacific whiting tribal allocation and set-asides for research and incidental mortality. NMFS is issuing a revised proposed rule to include additional actions due to the lack of a bilateral agreement on the 2021 Pacific whiting coastwide total allowable catch (TAC) by the Governments of Canada and the United States. This revised proposed rule includes the 2021 coastwide TAC and U.S. TAC for Pacific whiting as determined by NMFS under the Whiting Act, the non-tribal sector allocations, and the tribal allocation and set-asides included in the original proposed rule. The proposed measures are intended to help prevent overfishing, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

**DATES:** Comments on this proposed rule must be received no later than May 19, 2021.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2021–0002 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2021–0002 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Barry Thom, c/o Stacey Miller, Sustainable Fisheries Division, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

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

**Electronic Access**

This proposed rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the NMFS website at *https://www.fisheries.noaa.gov* and at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/.*

**FOR FURTHER INFORMATION CONTACT:** Stacey Miller, phone: 503–231–6290, and email: *Stacey.Miller@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

This rule proposes establishing the 2021 Pacific whiting harvest specifications, including the adjusted coastwide TAC of 500,000 mt and the adjusted U.S. TAC of 369,400 mt, and 2021 tribal allocations. NMFS issued a proposed rule on February 16, 2021 (86 FR 9473) that proposed allocating 17.5 percent of the U.S. TAC of Pacific whiting for 2021 to Pacific Coast Indian tribes that have a treaty right to harvest groundfish, and implement set-asides (750 mt) for Pacific whiting for research and incidental mortality in other fisheries. We requested public comment on these proposed actions through March 18, 2021 but received no public comments during the comment period. NMFS is issuing a revised proposed rule for these two actions as well as several additional actions related to the Pacific whiting fishery due to the lack of a bilateral agreement on the 2021 Pacific whiting coastwide TAC under the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting of 2003 (Agreement). The Agreement's Joint Management Committee (JMC) met on March 15–17, 2021 but was not able to reach agreement on a coastwide TAC, which resulted in the JMC not recommending a coastwide TAC by March 25th, as required by the Agreement. If the JMC does not recommend a TAC, the Whiting Act directs NMFS (as delegated by the Secretary of Commerce) to establish a coastwide and U.S. TAC for Pacific whiting. This revised proposed rule would establish the 2021 coastwide and U.S. TAC for Pacific whiting based on the criteria identified in the Whiting Act and establish the Pacific whiting non-tribal sector allocations. This revised proposed rule also includes the 2021 tribal allocation and research set aside, which were described in the original proposed rule published February 16, 2021 (86 FR 9473). The allocations for Pacific whiting would be effective until December 31, 2021.

*Pacific Whiting Agreement and Whiting Act*

The transboundary stock of Pacific whiting is managed through the Agreement, which establishes bilateral bodies to implement the terms of the Agreement. The bilateral bodies include: The JMC, which recommends the annual catch level for Pacific whiting; the Joint Technical Committee (JTC), which conducts the Pacific whiting stock assessment; the Scientific Review Group (SRG), which reviews the stock assessment; and the Advisory Panel (AP), which provides stakeholder input to the JMC.

The Agreement establishes a default harvest policy of F–40 percent, which means a fishing mortality rate that would reduce the spawning biomass to 40 percent of the estimated unfished level. The Agreement also allocates 73.88 percent of the Pacific whiting total allowable catch (TAC) to the United States and 26.12 percent of the TAC to Canada.

Based on recommendations from the Agreement's JTC, SRG, and AP, the JMC recommends the coastwide Pacific whiting TAC by March 25th of each year, which is subsequently approved by NMFS, under the delegation of authority from the Secretary of Commerce. In years when the JMC does make a TAC recommendation to the parties, NMFS (under the delegation of authority from the Secretary of Commerce) approves the U.S. TAC with concurrence from the Department of State. The U.S. TAC is then allocated into tribal and non-tribal sectors.

The 2021 JMC negotiations were held from March 15–17, 2021. These negotiations typically focus on two factors to derive a coastwide TAC: Agreement on a sustainable level of realized catch using stock assessment projections and other relevant scientific advice, and estimating the likely utilization rate, which is the proportion of the TAC harvested by the various sectors of the U.S. and Canadian fisheries based on historical rates and knowledge of existing conditions. Full utilization of the TAC (100 percent) is not practicable, due to myriad of regulatory and operational constraints. These constraints are long-identified factors that affect utilization rates and setting the coastwide TAC at a higher level allows the fisheries to achieve the realized catch target. During the March 2021 JMC meeting, the JMC agreed on a realized catch target of 380,000 mt but did not reach an agreement on a utilization rate, and therefore did not come to a bilateral agreement on the coastwide TAC. This is the second consecutive year that the JMC did not reach an agreement on a coastwide TAC.

The Agreement does not specify a procedure for when the JMC does not agree on a coastwide TAC, however, the Whiting Act directs the Secretary of Commerce to establish the TAC for Pacific whiting when the JMC does not agree on a coastwide TAC. The Act states that NMFS (as delegated by the Secretary of Commerce) should establish the coastwide Pacific whiting TAC, taking into account recommendations from the JMC, JTC, SRG, AP, and the Pacific Fishery Management Council (Council). The Act requires NMFS to base the coastwide TAC decision on the best scientific information available, and use the default harvest rate unless scientific information indicates a different rate is necessary to sustain the Pacific whiting resource. The Act also requires NMFS to establish the U.S. share of the TAC based on the U.S./Canada percentage split and adjustments specified in the Agreement.

*2021 Stock Assessment and Scientific Review*

The JTC completed a stock assessment for Pacific whiting in February 2021. This assessment is available at *https://www.fisheries.noaa.gov/resource/document/2021-pacific-hake-whiting-stock-assessment.* The assessment was reviewed by the SRG during a four-day meeting held online. The SRG report is available at *https://www.fisheries.noaa.gov/resource/document/2021-pacific-hake-whiting-scientific-review-group-report.* The SRG considered the 2021 assessment report and appendices to represent the best scientific information available for Pacific hake/whiting.

The 2021 assessment model uses the same structure as the 2020 stock assessment model. The model is fit to an acoustic survey index of abundance, annual commercial catches of the transboundary Pacific whiting stock, and age composition data from an acoustic survey and commercial fisheries. Age-composition data provide information to estimate relative year class strength. Updates to the data in the 2021 assessment include: Fishery catch and age-composition data from 2020, weight-at-age data for 2020, and minor changes to pre-2020 data. There was not an acoustic survey planned for 2020 and therefore no new survey data were included in the 2021 model. Additionally, no new age data were available from the Canadian freezer-trawler feet in 2020 due to the ongoing pandemic.

The Pacific whiting biomass is a highly cyclical and highly productive stock. Since the 1960s, it is estimated to have ranged from well below to above unfished levels. Compared to other groundfish stocks, the Pacific whiting stock has high recruitment variability, with low average recruitment levels and occasional large year-classes that often comprise much of the biomass. At the start of 2021, the Pacific whiting stock continues to be supported by multiple above average cohorts, including the 2010, 2014, 2016, and 2017 year classes which comprise 14 percent, 25 percent, 24 percent and 17 percent, respectively

of the stock biomass. The 2010 year class is estimated to be the second highest recruitment in the assessment time series; the 2014 and 2016 year classes are estimated to be above average in strength; and the 2012 and 2017 year classes are about average. The assessment estimates small year classes in 2011, 2013, 2015, and 2018. There is very little information in the data to estimate the size of the 2019 year class and there is no information in the data to estimate the sizes of the 2020 and 2021 year classes.

The Pacific whiting relative spawning biomass was near unfished levels (97.9 percent of unfished) in 2017 and has been declining since that time as the 2010 and 2014 year classes are ageing and mortality surpasses increased production, combined with record high catches. At the start of 2021, the relative spawning stock biomass is still well above the biomass level associated with the default harvest rate (40 percent of unfished level), and is estimated to be 0.981 million mt, or 59 percent of unfished levels. The stock is considered at a healthy level, and the joint probability that the relative spawning stock biomass is both below 40 percent of unfished level and that fishing mortality is above the relative fishing intensity of the Agreement's F–40 percent default harvest rate is estimated to be 1.7 percent.

*2021 Pacific Whiting Coastwide TAC Evaluation and Recommendation*

In determining the coastwide TAC, NMFS considered information and recommendations from the Agreement's JMC, JTC, SRG, and AP, and the Council. The stock assessment from the JTC and the SRG peer review are the best scientific information available for determining the coastwide Pacific whiting TAC. NMFS heard testimony from the AP and JMC at the JMC's March 2021 meeting. NMFS has reached out to the Council and will consider any recommendations provided by the Council.

NMFS considered a range of coastwide TAC alternatives including the coastwide TAC resulting from the default harvest rate (565,191 mt) and the coastwide TACs that were discussed during the AP and JMC March 2021 meeting. This includes the U.S. delegation's initial (500,000 mt) and final positions (475,000 mt) and the Canadian delegation's initial (422,000 mt) and final positions (465,000 mt). However, we excluded the Canadian delegation's proposed TACs from further consideration because according to the stock assessment they are not necessary to support a sustainable Pacific whiting resource. Members of the JMC and AP also identified that these TACs would have a disproportionally negative economic impact on the U.S. fishing fleet compared to the Canadian fishing fleet.

NMFS therefore evaluated coastwide TACs ranging from 475,000 mt to 565,191 mt in developing our proposed coastwide TAC of 500,000 mt. The stock assessment supports the lower TACs within this range and would provide adequate opportunity for both Canadian and U.S. fleets, while sustainably managing the Pacific whiting resource.

*Biological Impacts of Potential Whiting TAC Levels*

The Act directs NMFS to use the default harvest rate set out in the Agreement unless NMFS determines that a different rate is necessary to sustain the offshore whiting resource. The Agreement specifies a default harvest rate of ''F–40 percent'' which is the fishing mortality rate that would reduce the relative spawning stock biomass, calculated on a per recruit basis (a measure of stock reproductive potential) to 40 percent of what it would have been in the absence of fishing mortality, often called B40. Although there is not a default biomass level, the JMC, since implementation of the Agreement, has focused on choosing a TAC designed to prevent the relative spawning stock biomass from falling below B40. NMFS followed the same practice of choosing a TAC designed to prevent the relative spawning stock biomass from falling below this biomass level.

To evaluate the impact of the TACs on relative spawning stock biomass, we applied an estimate of the coastwide Pacific whiting fleet's utilization rate (*i.e.* the proportion of the TAC removed through fishing effort) to the range of TACs we considered. Over the last ten years, neither the U.S. nor the Canadian fishing fleets have caught the entire coastwide TAC (100 percent utilization rate). The ten-year (2010–2019) average utilization rate is 69.8 percent of the coastwide TAC and the average utilization rate for the last 5 years was 70.06 percent of the coastwide TAC. To derive an upper estimate of utilization, NMFS took the average of the five highest utilization rates from 2011–2020, which results in a utilization rate of 75.82 percent of the coastwide TAC. Because of this, NMFS determined it is reasonable to focus on a range of utilization rates from 70 percent to 76 percent, which encompass the average of the last five years (70.06 percent) and the average of the highest 5 utilization rates since 2011 (75.82 percent). These averages provide a realistic range for projecting the coastwide utilization rates in 2021 and 2022 and are consistent with the 2021 projected utilization rates provided by U.S. members of the AP during the JMC negotiations.

We applied the range of average utilization rates to the range of coastwide TACs to derive the projected harvest level and anticipated impacts to the Pacific whiting spawning stock biomass. The stock assessment indicates that across the range of TACs and utilization rates evaluated, the projected harvest levels result in relative spawning stock biomass levels above B40 percent after one fishing year (47–49 percent of unfished levels) and between 39–44 percent of unfished levels after two years of fishing at the same level.

Using the same approach as described above, a coastwide TAC set at the default harvest rate (565,191 mt) combined with the 0.70 and 0.76 utilization rates results in projected harvest rates between 395,634 mt–429,545 mt and a projected spawning biomass of 48–47 percent of unfished levels after one year of fishing, and 41–39 percent of unfished levels after two years of fishing. Of the lower TACs considered in the range, a coastwide TAC of 500,000 mt results in projected harvest rates between 350,000 mt–380,000 mt and projected spawning biomass of 49–48 percent of unfished levels after one year of fishing, and 43–42 percent of unfished levels after 2 years of fishing, using the lower (0.70) and higher (0.76) utilization rates respectively. The lowest TAC considered (475,000 mt) combined with the 0.70 and 0.76 utilization rates results in lower projected harvest (332,500 mt–361,000 mt) and projections of relative spawning biomass of 49 percent after one year of fishing, and 44–43 percent of unfished levels after two years of fishing.

Overall, the stock assessment indicates that the relative spawning stock biomass of Pacific whiting has a high probability of being lower at the beginning of 2022 than 2021, ranging from 65 percent probability with no harvest to a 90 percent probability at a catch equal to the default harvest rate. Although a decline in the Pacific whiting stock is probable even in the absence of fishing pressure, the decline does not threaten the sustainability of the resource. At the proposed TAC of 500,000 mt, with a realized catch goal of 380,000 mt (based on a 0.76 utilization rate), the stock assessment indicates there is a 36 percent chance of relative spawning stock biomass falling

below B40 percent in one year. The stock assessment also indicates there is an 11 percent probability of falling below B25 percent, and a 1 percent chance of falling below B10 percent after one year for this realized catch level.

Continuing this harvest level into a second year does have an increased chance of the relative spawning stock biomass falling below B40 percent. Two years of actual harvests at approximately 380,000 mt result in a 47 percent probability of falling below B40 percent, a 23 percent probability of falling below B25 percent, and a 4 percent probability of falling below B10 percent.

In setting last year's coastwide TAC, (85 FR 36803; June 18, 2020) NMFS selected a TAC that resulted in a biomass level above B40 after 2 years of fishing and took into account economic impacts to U.S. fisheries and coastal communities. NMFS continued with this approach to determine the 2021 coastwide TAC. The 2021 stock assessment estimates that the whiting stock is at a healthy level of 59 percent of unfished biomass. However, the stock is continuing to decline at an increased rate as natural mortality of the 2010 and 2014-year classes exceeds biomass growth. There is also a high level of uncertainty regarding the strength of recent recruitments. Therefore, NMFS determined the best scientific information available indicates that reduction from last year's coastwide TAC (575,000 mt), and deviation from the Act's default harvest rate, would support the long-term sustainability of the stock.

*Economic Impacts of Potential Pacific Whiting TAC levels*

The Pacific whiting fishery is the highest volume fishery on the West Coast of the United States, providing hundreds of jobs. In 2020, total revenue was estimated to be $21.4 million in the non-tribal shoreside sector and $21.5 million in the at-sea whiting sector. The total non-tribal ex-vessel revenue in 2020 is estimated to have been about $42.9 million. Maintaining access to the Pacific whiting resource is important for both direct fishery participants and West Coast fishing communities. During the JMC meeting, members of the JMC and AP also discussed the projected realized catch levels under each proposed TAC scenario and resulting economic impacts on the U.S. whiting fishery.

The starting and ending coastwide TAC proposals from Canada, 422,000 mt and 465,000 mt, represent a 26 percent and 19 percent reduction from the 2020 U.S. determined coastwide TAC, respectively. Reductions of this magnitude would have negative economic impacts on U.S. fisheries and coastal communities. Canada's proposed TACs reflect their concern with the declining Pacific whiting biomass as the 2010 and 2014 year classes continue to age, as well as uncertainty of the recent recruitment strength because the stock assessment is not able to predict cohort strength until they are detected by the acoustic survey and fishery. However, the stock assessment indicates that the higher TACs proposed by the United States continue to provide a sustainable Pacific whiting resource and result in the relative spawning stock biomass levels above B40 percent after 1 year, and at or above B40 percent after 2 years of fishing.

Because of these factors, NMFS has determined that a measured reduction in the coastwide TAC from last year is appropriately precautionary to achieve the conservation goals, but also recognizes the need to minimize the economic impacts to U.S. fisheries and coastal communities as much as possible.

*2021 Pacific Whiting Adjusted TAC Recommendation*

The Act requires NMFS to make the necessary adjustments to the TAC specified in the Agreement (Paragraph 5 of Article II). The Agreement (Paragraph 5 of Article II) requires adjustments to the coastwide TAC to account for overages if either U.S. or Canadian catch in the previous year exceeded its individual TAC, or carryovers, if U.S. or Canadian catch was less than its individual TAC in the previous year. Both the United States and Canada harvested less than their individual TACs in 2020, therefore carryover is applied to the 2021 TACs.

Taking into account the percentage shares for each country (26.12 percent for Canada and 73.88 percent for the United States) and the adjustments for uncaught fish (12,617 mt carryover for Canada and 55,080 mt carryover for the United States), as required by the Act, we recommend a final adjusted coastwide TAC of 500,000 mt, with a final adjusted TAC for Canada of 130,600 mt (117,983 mt + 12,617 mt carryover adjustment), and a final adjusted TAC for the United States of 369,400 mt (314,320 mt + 55,080 mt carryover adjustment). This recommendation is consistent with the best scientific information available, provisions of the Agreement, and the Whiting Act.

*Tribal Allocations*

The regulations at 50 CFR 660.50(d) identify the procedures for implementing the treaty rights that Pacific Coast treaty Indian tribes have to harvest groundfish in their usual and accustomed fishing areas in U.S. waters. Tribes with treaty fishing rights in the area covered by the Pacific Coast Groundfish FMP request allocations, set-asides, or regulations specific to the tribes during the Council's biennial harvest specifications and management measures process. The regulations state that the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

NMFS allocates a portion of the U.S. TAC of Pacific whiting to the tribal fishery, following the process established in 50 CFR 660.50(d). The tribal allocation is subtracted from the U.S. Pacific whiting TAC before allocation to the non-tribal sectors.

Four Washington coastal treaty Indian tribes including the Makah Indian Tribe, Quileute Indian Tribe, Quinault Indian Nation, and the Hoh Indian Tribe (collectively, the ''Treaty Tribes''), can participate in the tribal Pacific whiting fishery. Tribal allocations of Pacific whiting have been based on discussions with the Treaty Tribes regarding their intent for those fishing years. The Hoh Tribe has not expressed an interest in participating in the Pacific whiting fishery to date. The Quileute Tribe and Quinault Indian Nation have expressed interest in beginning to participate in the Pacific whiting fishery at a future date. To date, only the Makah Tribe has prosecuted a tribal fishery for Pacific whiting, and has harvested Pacific whiting since 1996 using midwater trawl gear. Table 1 below provides a recent history of U.S. TACs and annual tribal allocation in metric tons (mt).

TABLE 1—U.S. TOTAL ALLOWABLE CATCH AND ANNUAL TRIBAL ALLOCATION IN METRIC TONS (mt)

| Year | U.S. TAC [1] (mt) | Tribal allocation (mt) |
|---|---|---|
| 2010 | 193,935 | 49,939 |
| 2011 | 290,903 | 66,908 |
| 2012 | 186,037 | 48,556 |
| 2013 | 269,745 | 63,205 |
| 2014 | 316,206 | 55,336 |
| 2015 | 325,072 | 56,888 |
| 2016 | 367,553 | 64,322 |
| 2017 | 441,433 | 77,251 |
| 2018 | 441,433 | 77,251 |
| 2019 | 441,433 | 77,251 |

TABLE 1—U.S. TOTAL ALLOWABLE CATCH AND ANNUAL TRIBAL ALLOCATION IN METRIC TONS (mt)—Continued

| Year | U.S. TAC [1] (mt) | Tribal allocation (mt) |
|---|---|---|
| 2020 ..... | 424,810 | 74,342 |

[1] Beginning in 2012, the United States started using the term Total Allowable Catch, or TAC, based on the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting. Prior to 2012, the terms Optimal Yield (OY) and Annual Catch Limit (ACL) were used.

In 2009, NMFS, the states of Washington and Oregon, and the Treaty Tribes started a process to determine the long-term tribal allocation for Pacific whiting. However, these groups have not yet determined a long-term allocation. In order to ensure Treaty Tribes continue to receive allocations, this rule proposes the 2021 tribal allocation of Pacific whiting. This allocation is not intended to set precedent for future allocations.

In exchanges between NMFS and the Treaty Tribes during November and December 2020, the Makah Tribe indicated their intent to participate in the tribal Pacific whiting fishery in 2021 and requested 17.5 percent of the U.S. TAC. The Quinault Indian Nation, Quileute Indian Tribe and Hoh Indian Tribe informed NMFS in December 2020 that they will not participate in the 2021 fishery. NMFS will contact the Tribes during the proposed rule comment period to refine the 2021 allocation before allocating the final U.S. TAC between the tribal and non-tribal whiting fisheries. NMFS proposes a tribal allocation that accommodates the tribal request, specifically 17.5 percent of the U.S. TAC. The proposed 2021 adjusted U.S. TAC is 369,400 mt, and therefore the proposed 2021 tribal allocation is 64,645 mt. NMFS has determined that the current scientific information regarding the distribution and abundance of the coastal Pacific whiting stock indicates the 17.5 percent is within the range of the tribal treaty right to Pacific whiting.

*Non-Tribal Research and Bycatch Set-Asides*

The U.S. non-tribal whiting fishery is managed under the Council's Pacific Coast Groundfish FMP. Each year, the Council recommends the amount of Pacific whiting to accommodate incidental mortality of Pacific whiting in research activities and non-groundfish fisheries based on estimates of scientific research catch and estimated bycatch mortality in non-groundfish fisheries. At its November 2020 meeting, the Council recommended an incidental mortality set-aside of 750 mt for 2021. This is a reduction of the amount set-aside for research and incidental mortality from 1,500 mt in 2020. The 750 mt recommendation, however, reflects the recent 3 year average mortality that has declined from 942 mt in 2014–2016 to 216 mt in 2017–2019. This rule proposes the Council's recommendations.

*Non-Tribal Harvest Guidelines and Allocations*

In addition to the tribal allocation, this proposed rule establishes the fishery harvest guideline (HG), called the non-tribal allocation. The proposed 2021 fishery HG for Pacific whiting is 304,005 mt. This amount was determined by deducting the 64,645 mt tribal allocation and the 750 mt allocation for scientific research catch and fishing mortality in non-groundfish fisheries from the total adjusted U.S. TAC of 369,400 mt. The Council recommends the research and bycatch set-aside on an annual basis, based on estimates of scientific research catch and estimated bycatch mortality in non-groundfish fisheries. The regulations further allocate the fishery HG among the three non-tribal sectors of the Pacific whiting fishery: The catcher/processor (C/P) Coop Program, the Mothership (MS) Coop Program, and the Shorebased Individual Fishing Quota (IFQ) Program. The C/P Coop Program is allocated 34 percent (103,362 mt for 2021), the MS Coop Program is allocated 24 percent (72,961 mt for 2021), and the Shorebased IFQ Program is allocated 42 percent (127,682 mt for 2021). The fishery south of 42° N lat. may not take more than 6,384 mt (5 percent of the Shorebased IFQ Program allocation) prior to May 15, the start of the primary Pacific whiting season north of 42° N lat.

TABLE 2—2021 PROPOSED PACIFIC WHITING ALLOCATIONS IN METRIC TONS

| Sector | 2021 Pacific whiting allocation (mt) |
|---|---|
| Tribal ..... | 64,645 |
| Catcher/Processor (C/P) Coop Program ..... | 103,362 |
| Mothership (MS) Coop Program ..... | 72,961 |
| Shorebased IFQ Program .... | 127,682 |

This proposed rule would be implemented under the statutory and regulatory authority of section 304(b) and 305(d) of the Magnuson-Stevens Act, and the Pacific Whiting Act of 2006. With this proposed rule, NMFS, acting on behalf of the Secretary, would ensure that the FMP is implemented in a manner consistent with treaty rights of four Treaty Tribes to fish in their ''usual and accustomed grounds and stations'' in common with non-tribal citizens. *United States* v. *Washington,* 384 F. Supp. 313 (W.D. 1974).

**Classification**

NMFS notes that the public comment period for this proposed rule is 15 days.

Finalizing the Pacific whiting harvest specifications closer to the start of the Pacific whiting fishing season on May 15th provides the industry with more time to plan and execute the fishery and gives them earlier access to the finalized allocations of Pacific whiting. Moreover, the public already had an opportunity to comment under the proposed rule issued on February 16, 2021 on percentage of the U.S. TAC allocated to the Pacific Coast Indian tribes that have a treaty right to harvest groundfish and set-aside research and incidental mortality. NMFS has determined that a 15-day comment period best balances the interest in allowing the public adequate time to comment on the proposed measures while implementing the management measures, including the finalizing Pacific whiting allocations, in a timely manner.

Pursuant to section 304 (b)(1)(A) and 305 (d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Pacific Coast Groundfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment. In making its final determination, NMFS will take into account the complete record, including comments received during the comment period.

Pursuant to Executive Order 13175, this proposed rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the Pacific Coast Groundfish FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the Pacific Coast Groundfish FMP establish a procedure by which the tribes with treaty fishing rights in the area covered

by the Pacific Coast Groundfish FMP request allocations or regulations specific to the Tribes, in writing, before the first of the two meetings at which the Council considers groundfish management measures. The regulations at 50 CFR 660.324(d) further state, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus. The tribal management measures in this proposed rule have been developed following these procedures.

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

A range of potential total harvest levels for Pacific whiting have been considered under the Final Environmental Impact Statement for Harvest Specifications and Management Measures for 2015–2016 and Biennial Periods thereafter (2015/16 FEIS) and in the Environmental Assessment for Harvest Specifications and Management Measures for 2021–2022 and Biennial Periods Thereafter and is available from NMFS (see **ADDRESSES**). The 2015/16 FEIS examined the harvest specifications and management measures for 2015–16 and 10 year projections for routinely adjusted harvest specifications and management measures. The 10 year projections were produced to evaluate the impacts of the ongoing implementation of harvest specifications and management measures and to evaluate the impacts of the routine adjustments that are the main component of each biennial cycle. The EA for the 2021–22 cycle tiers from the 2015/16 FEIS and focuses on the harvest specifications and management measures that were not within the scope of the 10 year projections in the 2015/16 FEIS.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this action, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action is contained in the **SUMMARY** section and at the beginning of the **SUPPLEMENTARY INFORMATION** section of the preamble. A summary of the IRFA follow. Copies of the IRFAs are available from NMFS (See **ADDRESSES**).

Under the RFA, the term ''small entities'' includes small businesses, small organizations, and small governmental jurisdictions. The Small Business Administration has established size criteria for entities involved in the fishing industry that qualify as small businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts, not in excess of $11 million for all its affiliated operations worldwide (see 80 FR 81194, December 29, 2015). A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A small organization is any nonprofit enterprise that is independently owned and operated and is not dominant in its field. Effective February 26, 2016, a seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 750 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide (See NAICS 311710 at 81 FR 4469; January 26, 2016). For purposes of rulemaking, NMFS is also applying the seafood processor standard to catcher processors because whiting C/Ps earn the majority of the revenue from processed seafood product.

*Description and Estimate of the Number of Small Entities to Which the Rule Applies, and Estimate of Economic Impacts by Entity Size and Industry*

This proposed rule would establish the coastwide and U.S. TAC and affect how Pacific whiting is allocated to the following sectors/programs: Tribal, Shorebased IFQ Program Trawl Fishery, MS Coop Program Whiting At-sea Trawl Fishery, and C/P Coop Program Whiting At-sea Trawl Fishery. The amount of Pacific whiting allocated to these sectors is based on the U.S. TAC.

We expect one tribal entity to fish for Pacific whiting in 2021. Tribes are not considered small entities for the purposes of RFA. Impacts to tribes are nevertheless considered in this analysis.

As of January 2021, the Shorebased IFQ Program is composed of 166 Quota Share permits/accounts (134 of which were allocated whiting quota pounds), and 35 first receivers, one of which is designated as whiting-only receivers and 11 that may receive both whiting and non-whiting.

These regulations also directly affect participants in the MS Co-op Program, a general term to describe the limited access program that applies to eligible harvesters and processors in the MS sector of the Pacific whiting at-sea trawl fishery. This program consists of six MS processor permits, and a catcher vessel fleet currently composed of a single co-op, with 34 Mothership/Catcher Vessel (MS/CV) endorsed permits (with three permits each having two catch history assignments).

These regulations also directly affect the C/P Co-op Program, composed of 10 C/P endorsed permits owned by three companies that have formed a single coop. These co-ops are considered large entities from several perspectives; they have participants that are large entities, and have in total more than 750 employees worldwide including affiliates.

Although there are three non-tribal sectors, many companies participate in two sectors and some participate in all three sectors. As part of the permit application processes for the non-tribal fisheries, based on a review of the Small Business Administration size criteria, permit applicants are asked if they considered themselves a ''small'' business, and they are asked to provide detailed ownership information. Data on employment worldwide, including affiliates, are not available for these companies, which generally operate in Alaska as well as the West Coast and may have operations in other countries as well. NMFS has limited entry permit holders self-report size status. For 2021, all 10 CP permits reported they are not small businesses, as did 8 mothership catcher vessels. There is substantial, but not complete overlap between permit ownership and vessel ownership so there may be a small number of additional small entity vessel owners who will be impacted by this rule. After accounting for cross participation, multiple Quota Share account holders, and affiliation through ownership, NMFS estimates that there are 103 non-tribal entities directly affected by these proposed regulations, 89 of which are considered ''small'' businesses.

This rule will allocate Pacific whiting between tribal and non-tribal harvesters (a mixture of small and large businesses). Tribal fisheries consist of a mixture of fishing activities that are similar to the activities that non-tribal fisheries undertake. Tribal harvests may be delivered to both shoreside plants and motherships for processing. These processing facilities also process fish harvested by non-tribal fisheries. The effect of the tribal allocation on non-tribal fisheries will depend on the level of tribal harvests relative to their allocation and the reapportionment process. If the tribes do not harvest their entire allocation, there are opportunities during the year to reapportion unharvested tribal amounts to the non-tribal fleets. For example, in 2020 NMFS reapportioned 40,000 mt of the original

74,342 mt tribal allocation. This reapportionment was based on conversations with the tribes and the best information available at the time, which indicated that this amount would not limit tribal harvest opportunities for the remainder of the year. The reapportioning process allows unharvested tribal allocations of Pacific whiting to be fished by the non-tribal fleets, benefitting both large and small entities. The revised Pacific whiting allocations for 2020 following the reapportionment were: Tribal 34,342 mt, C/P Co-op 132,249 mt; MS Co-op 93,352 mt; and Shorebased IFQ Program 163,367 mt.

The prices for Pacific whiting are largely determined by the world market because most of the Pacific whiting harvested in the United States is exported. The U.S. Pacific whiting TAC is highly variable, as have subsequent harvests and ex-vessel revenues. For the years 2016 to 2020, the total Pacific whiting fishery (tribal and non-tribal) averaged harvests of approximately 303,782 mt annually. The 2020 U.S. non-tribal fishery had a Pacific whiting catch of approximately 287,400 mt, and the tribal fishery landed less than 200 mt.

Impacts to the U.S. non-tribal fishery are measured with an estimate of ex-vessel revenue. The NMFS proposed adjusted coastwide TAC of 500,000 mt would result in an adjusted U.S. TAC of 369,400 mt and U.S. non-tribal harvest guideline of 304,005 mt. Using the 2020 weighted-average non-tribal Oregon shoreside price per metric ton (*e.g.* $154 per metric ton), the proposed TAC is estimated to result in an ex-vessel revenue of $46.9 million for the U.S. non-tribal fishing fleet. The low and high range of the coastwide TAC NMFS considered (475,000 mt and 565,191 mt, respectively) is estimated to result in projected ex-vessel revenue range of $44.5 million to $53 million, respectively.

Impacts to tribal catcher vessels who elect to participate in the tribal fishery are measured with an estimate of ex-vessel revenue. In lieu of more complete information on tribal deliveries, total ex-vessel revenue is estimated with the 2020 average shoreside ex-vessel price of Pacific whiting, which was $154 per mt. At that price, the proposed 2020 tribal allocation of 64,645 mt would have an ex-vessel value of $10 million.

*A Description of Any Significant Alternatives to the Proposed Rule That Accomplish the Stated Objectives of Applicable Statutes and That Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities*

NMFS considered a ''No Action'' alternative as well as a range of alternatives for setting the Pacific whiting coastwide TAC. NMFS considered setting the coastwide TAC between 475,000 mt to 565,191 mt. A coastwide TAC at the bottom of the range (475,000 mt) may provide less economic opportunity for 2021 as compared to the TAC proposed in this rule (a coastwide TAC of 500,000 mt). A higher coastwide TAC of 565,191 mt may offer an increased economic opportunity for 2021 as compared to the TAC proposed in this rule. However, the 2021 stock assessment projections indicate this higher catch levels may result in near-term stock biomass declines below target levels. This is contrary to the Whiting Act and Agreement, which requires sustainable management of the Pacific whiting resource. Under the no action alternative, NMFS would not set a coastwide TAC, which would not fulfill NMFS' responsibility to manage the U.S. fishery. Therefore this alternative received no further consideration.

NMFS considered two alternatives for the Pacific whiting tribal allocation: The ''No Action'' and the ''Proposed Action.'' NMFS did not consider a broader range of alternatives to the proposed tribal allocation because the tribal allocation is a percent of the adjusted U.S. TAC and is based primarily on the requests of the tribes. These requests reflect the level of participation in the fishery that will allow them to exercise their treaty right to fish for Pacific whiting. Under the Proposed Action alternative, NMFS proposes to set the tribal allocation percentage at 17.5 percent, as requested by the Tribes. This would yield a tribal allocation of 64,645 mt for 2021. Consideration of a percentage lower than the tribal request of 17.5 percent is not appropriate in this instance. As a matter of policy, NMFS has historically supported the harvest levels requested by the Tribes. Based on the information available to NMFS, the tribal request is within their tribal treaty rights. A higher percentage would arguably also be within the scope of the treaty right. However, a higher percentage would unnecessarily limit the non-tribal fishery.

Under the no action alternative, NMFS would not make an allocation to the tribal sector. This alternative was considered, but the regulatory framework provides for a tribal allocation on an annual basis only. Therefore, the no action alternative would result in no allocation of Pacific whiting to the tribal sector in 2021, which would be inconsistent with NMFS' responsibility to manage the fishery consistent with the Tribes' treaty rights. Given that there is a tribal request for allocation in 2021, this alternative received no further consideration.

*Regulatory Flexibility Act Determination of No Significant Impact*

NMFS determined this proposed rule would not adversely affect small entities. The reapportioning process allows unharvested tribal allocations of Pacific whiting, fished by small entities, to be fished by the non-tribal fleets, benefitting both large and small entities.

NMFS has prepared an IRFA and is requesting comments on this conclusion. See **ADDRESSES**.

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

No Federal rules have been identified that duplicate, overlap, or conflict with this action.

**List of Subjects in 50 CFR Part 660**

Fisheries, Fishing, Indian Fisheries.

Dated: April 26, 2021.

**Samuel D. Rauch, III,**

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

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

## PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.50, revise paragraph (f)(4) to read as follows:

### § 660.50 Pacific Coast treaty Indian fisheries.

* * * * *

(f) * * *

(4) *Pacific whiting.* The tribal allocation for 2021 will be 64,645 mt.

* * * * *

■ 3. Revise Table 1a to part 660, subpart C–2021, to read as follows:

TABLE 1a TO PART 660, SUBPART C—2021, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HG (Weights in Metric Tons) CAPITALIZED STOCKS ARE REBUILDING

| Stocks | Area | OFL | ABC | ACL [a/] | Fishery HG [b/] |
|---|---|---|---|---|---|
| Yelloweye Rockfish [c/] | Coastwide | 97 | 83 | 50 | 41.2 |
| Arrowtooth Flounder [d/] | Coastwide | 13,551 | 9,933 | 9,933 | 7,837.9 |
| Big Skate [e/] | Coastwide | 1,690 | 1,477 | 1,477 | 1,419.7 |
| Black Rockfish [f/] | California (S of 42° N lat.) | 379 | 348 | 348 | 345.7 |
| Black Rockfish [g/] | Washington (N of 46°16′ N lat.) | 319 | 293 | 293 | 274.9 |
| Bocaccio [h/] | S of 40°10′ N lat | 1,887 | 1,748 | 1,748 | 1,700.2 |
| Cabezon [i/] | California (S of 42° N lat.) | 225 | 210 | 210 | 208.7 |
| California Scorpionfish [j/] | S of 34°27′ N lat | 319 | 291 | 291 | 287.1 |
| Canary Rockfish [k/] | Coastwide | 1,459 | 1,338 | 1,338 | 1,268.6 |
| Chilipepper [l/] | S of 40°10′ N lat | 2,571 | 2,358 | 2,358 | 2,260.3 |
| Cowcod [m/] | S of 40°10′ N lat | 114 | 84 | 84 | 72.8 |
| Cowcod | (Conception) | 95 | 72 | NA | NA |
| Cowcod | (Monterey) | 19 | 11 | NA | NA |
| Darkblotched Rockfish [n/] | Coastwide | 953 | 882 | 882 | 862.9 |
| Dover Sole [o/] | Coastwide | 93,547 | 84,192 | 50,000 | 48,402.8 |
| English Sole [p/] | Coastwide | 11,107 | 9,175 | 9,175 | 8,924.37 |
| Lingcod [q/] | N of 40°10′ N lat | 5,816 | 5,386 | 5,369 | 5,090.6 |
| Lingcod [r/] | S of 40°10′ N lat | 1,255 | 1,162 | 1,102 | 1,089 |
| Longnose Skate [s/] | Coastwide | 2,086 | 1,823 | 1,823 | 1,571.6 |
| Longspine Thornyhead [t/] | N of 34°27′ N lat | 5,097 | 3,466 | 2,634 | 2,580.3 |
| Longspine Thornyhead [u/] | S of 34°27′ N lat | ..... | ..... | 832 | 829.8 |
| Pacific Cod [v/] | Coastwide | 3,200 | 1,926 | 1,600 | 1,093.9 |
| Pacific Ocean Perch [w/] | N of 40°10′ N lat | 4,497 | 3,854 | 3,854 | 3,829.3 |
| Pacific Whiting [x/] | Coastwide | 565,191 | (x/) | (x/) | 304,005 |
| Petrale Sole [y/] | Coastwide | 4,402 | 4,115 | 4,115 | 3,727.5 |
| Sablefish [z/] | N of 36° N lat | 9,402 | 8,791 | 6,892 | See Table 1c |
| Sablefish [aa/] | S of 36° N lat | ..... | ..... | 1,899 | 1,871.6 |
| Shortspine Thornyhead [bb/] | N of 34°27′ N lat | 3,211 | 2,183 | 1,428 | 1,349.6 |
| Shortspine Thornyhead [cc/] | S of 34°27′ N lat | ..... | ..... | 756 | 749.3 |
| Spiny Dogfish [dd/] | Coastwide | 2,479 | 1,621 | 1,621 | 1,277 |
| Splitnose [ee/] | S of 40°10′ N lat | 1,868 | 1,666 | 1,666 | 1,647.6 |
| Starry Flounder [ff/] | Coastwide | 652 | 392 | 392 | 343.6 |
| Widow Rockfish [gg/] | Coastwide | 15,749 | 14,725 | 14,725 | 14,476.7 |
| Yellowtail Rockfish [hh/] | N of 40°10′ N lat | 6,534 | 6,050 | 6,050 | 5,012.5 |
| **Stock Complexes** | | | | | |
| Blue/Deacon/Black Rockfish [ii/] | Oregon | 676 | 603 | 603 | 600.7 |
| Cabezon/Kelp Greenling [jj/] | Oregon | 215 | 198 | 198 | 197.8 |
| Cabezon/Kelp Greenling [kk/] | Washington | 25 | 20 | 20 | 18.0 |
| Nearshore Rockfish North [ll/] | N of 40°10′ N lat | 94 | 79 | 79 | 75.9 |
| Nearshore Rockfish South [mm/] | S of 40°10′ N lat | 1,232 | 1,016 | 1,016 | 1,011.6 |
| Other Fish [nn/] | Coastwide | 286 | 223 | 223 | 201.7 |
| Other Flatfish [oo/] | Coastwide | 7,714 | 4,802 | 4,802 | 4,581.1 |
| Shelf Rockfish North [pp/] | N of 40°10′ N lat | 1,888 | 1,511 | 1,511 | 1,438.7 |
| Shelf Rockfish South [qq/] | S of 40°10′ N lat | 1,842 | 1,439 | 1,438 | 1,305.2 |
| Slope Rockfish North [rr/] | N of 40°10′ N lat | 1,862 | 1,595 | 1,595 | 1,529.1 |
| Slope Rockfish South [ss/] | S of 40°10′ N lat | 873 | 709 | 709 | 670.1 |

[a/] Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

[b/] Fishery HGs means the HG or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

[c/] Yelloweye rockfish. The 50 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2029 and an SPR harvest rate of 65 percent. 8.85 mt is deducted from the ACL to accommodate the Tribal fishery (5 mt), EFP catch (0.24 mt), research (2.92 mt), and the incidental open access fishery (0.69 mt) resulting in a fishery HG of 41.2 mt. The non-trawl HG is 37.9 mt. The combined non-nearshore/nearshore HG is 7.9 mt. Recreational HGs are: 9.7 mt (Washington); 8.8 mt (Oregon); and 11.4 mt (California). In addition, the non-trawl ACT is 29.5, and the combined non-nearshore/nearshore ACT is 6.2 mt. Recreational ACTs are: 7.5 mt (Washington), 6.9 (Oregon), and 8.9 mt (California).

[d/] Arrowtooth flounder. 2,095.08 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), EFP fishing (0.1 mt), research (12.98 mt) and incidental open access (41 mt), resulting in a fishery HG of 7,837.9 mt.

[e/] Big skate. 57.31 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), EFP fishing (0.1 mt), and research catch (5.49 mt), and incidental open access (36.72 mt), resulting in a fishery HG of 1,419.7 mt.

[f/] Black rockfish (California). 2.26 mt is deducted from the ACL to accommodate EFP fishing (1.0 mt), research (0.08 mt), and incidental open access (1.18 mt), resulting in a fishery HG of 345.7 mt.

[g/] Black rockfish (Washington). 18.1 mt is deducted from the ACL to accommodate the Tribal fishery (18 mt) and research catch (0.1 mt), resulting in a fishery HG of 274.9 mt.

[h/] Bocaccio south of 40°10′ N lat. 47.82 mt is deducted from the ACL to accommodate EFP catch (40 mt), research (5.6 mt), and incidental open access (2.22 mt), resulting in a fishery HG of 1,700.2 mt. The combined non-nearshore and nearshore HG is 320.2 mt. The California recreational fishery HG is 716.2 mt.

[i/] Cabezon (California). 1.28 mt is deducted from the ACL to accommodate EFP (1 mt), research (0.02 mt), and incidental open access fishery (0.26 mt), resulting in a fishery HG of 208.7 mt.

[j/] California scorpionfish south of 34°27′ N lat. 3.89 mt is deducted from the ACL to accommodate research (0.18 mt) and the incidental open access fishery (3.71 mt), resulting in a fishery HG of 287.1 mt.

[k/] Canary rockfish. 69.39 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), EFP catch (8 mt), and research catch (10.08 mt), and the incidental open access fishery (1.31 mt), resulting in a fishery HG of 1,268.6 mt. The combined nearshore/non-nearshore HG is 126.6 mt. Recreational HGs are: 43.3 mt (Washington); 65.1 mt (Oregon); and 116.7 mt (California).

[l/] Chilipepper rockfish south of 40°10′ N lat. 97.7 mt is deducted from the ACL to accommodate EFP fishing (70 mt), research (14.04 mt), the incidental open access fishery (13.66 mt), resulting in a fishery HG of 2,260.3 mt.

[m/] Cowcod south of 40°10′ N lat. 11.17 mt is deducted from the ACL to accommodate EFP fishing (1.0 mt), research (10 mt), and incidental open access (0.17 mt), resulting in a fishery harvest guideline of 72.8 mt. A single ACT of 50 mt is being set for the Conception and Monterey areas combined.

[n/] Darkblotched rockfish. 19.06 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), EFP catch (0.6 mt), and research catch (8.46 mt), and the incidental open access fishery (9.8 mt) resulting in a fishery HG of 862.9 mt.

[o/] Dover sole. 1,597.21 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), EFP fishing (0.1 mt), research (50.84 mt), and incidental open access (49.27 mt), resulting in a fishery HG of 48,402.8 mt.

[p/] English sole. 250.63 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), EFP fishing (0.1 mt), research (8.01 mt), and the incidental open access fishery (42.52 mt), resulting in a fishery HG of 8,924.37 mt.

[q/] Lingcod north of 40°10′ N lat. 278.38 mt is deducted from the ACL for the Tribal fishery (250 mt), EFP catch (0.1 mt), research (16.6 mt), and the incidental open access fishery (11.68 mt) resulting in a fishery HG of 5,090.6 mt.

[r/] Lingcod south of 40°10′ N lat. 13 mt is deducted from the ACL to accommodate EFP catch (1.5 mt), research (3.19 mt), and incidental open access fishery (8.31 mt), resulting in a fishery HG of 1,089 mt.

[s/] Longnose skate. 251.40 mt is deducted from the ACL to accommodate the Tribal fishery (220 mt), EFP catch (0.1 mt), and research catch (12.46 mt), and incidental open access fishery (18.84 mt), resulting in a fishery HG of 1,571.6 mt.

[t/] Longspine thornyhead north of 34°27′ N lat. 53.71 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), research catch (17.49 mt), and the incidental open access fishery (6.22 mt), resulting in a fishery HG of 2,580.3 mt.

[u/] Longspine thornyhead south of 34°27′ N lat. 2.24 mt is deducted from the ACL to accommodate research catch (1.41 mt) and the incidental open access fishery (0.8 mt), resulting in a fishery HG of 829.6 mt.

[v/] Pacific cod. 506.1 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), EFP fishing (0.1 mt), research catch (5.47 mt), and the incidental open access fishery (0.53 mt), resulting in a fishery HG of 1,093.9 mt.

[w/] Pacific ocean perch north of 40°10′ N lat. 24.73 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), EFP fishing (0.1 mt), research catch (5.39 mt), and the incidental open access fishery (10.04 mt), resulting in a fishery HG of 3,829.3 mt.

[x/] The 2021 OFL of 565,191 mt is based on the 2021 assessment with an F40 percent of FMSY proxy. The proposed 2021 coastwide adjusted Total Allowable Catch (TAC) is 500,000 mt. The U.S. TAC is 73.88 percent of the coastwide TAC. The proposed 2021 adjusted U.S. TAC is 369,400 mt (314,320 mt unadjusted TAC + 55,080 mt carryover adjustment). From the adjusted U.S. TAC, 64,645 mt is deducted to accommodate the Tribal fishery, and 750 mt is deducted to accommodate research and bycatch in other fisheries, resulting in a 2021 fishery HG of 304,005 mt. The TAC for Pacific whiting is established under the provisions of the Agreement with Canada on Pacific Hake/Whiting and the Pacific Whiting Act of 2006, 16 U.S.C. 7001–7010, and the international exception applies. Therefore, no ABC or ACL values are provided for Pacific whiting.

[y/] Petrale sole. 387.54 mt is deducted from the ACL to accommodate the Tribal fishery (350 mt), EFP catch (0.1 mt), research (24.14 mt), and the incidental open access fishery (13.3 mt), resulting in a fishery HG of 3,727.5 mt.

[z/] Sablefish north of 36° N lat. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N lat., using a rolling 5-year average estimated swept area biomass from the NMFS NWFSC trawl survey, with 78.4 percent apportioned north of 36° N lat. and 21.6 percent apportioned south of 36° N lat. The northern ACL is 6,892 mt and is reduced by 689.2 mt for the Tribal allocation (10 percent of the ACL north of 36° N lat.). The 689.2 mt Tribal allocation is reduced by 1.7 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

[aa/] Sablefish south of 36° N lat. The ACL for the area south of 36° N lat. is 1,899 mt (21.6 percent of the calculated coastwide ACL value). 27.4 mt is deducted from the ACL to accommodate research (2.40 mt) and the incidental open access fishery (25 mt), resulting in a fishery HG of 1,871.6 mt.

[bb/] Shortspine thornyhead north of 34°27′ N lat. 78.4 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), EFP catch (0.1 mt), and research catch (10.48 mt), and the incidental open access fishery (17.82 mt), resulting in a fishery HG of 1,349.6 mt for the area north of 34°27′ N lat.

[cc/] Shortspine thornyhead south of 34°27′ N lat. 6.71 mt is deducted from the ACL to accommodate research catch (0.71 mt) and the incidental open access fishery (6 mt), resulting in a fishery HG of 749.3 mt for the area south of 34°27′ N lat.

[dd/] Spiny dogfish. 344 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), EFP catch (1.1 mt), research (34.27 mt), and the incidental open access fishery (33.63 mt), resulting in a fishery HG of 1,277 mt.

[ee/] Splitnose rockfish south of 40°10′ N lat. 18.42 mt is deducted from the ACL to accommodate EFP catch (1.5 mt), research (11.17 mt), and the incidental open access fishery (5.75 mt), resulting in a fishery HG of 1,647.6 mt.

[ff/] Starry flounder. 48.38 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), EFP catch (0.1 mt), research (0.57 mt), and the incidental open access fishery (45.71 mt), resulting in a fishery HG of 343.6 mt.

[gg/] Widow rockfish. 248.32 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), EFP catch (28 mt), research (17.27 mt), and the incidental open access fishery (3.05 mt), resulting in a fishery HG of 14,476.7 mt.

[hh/] Yellowtail rockfish north of 40°10′ N lat. 1,047.55 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), EFP catch (10 mt), research (20.55 mt), and the incidental open access fishery (7 mt), resulting in a fishery HG of 5,012.5 mt.

[ii/] Black rockfish/Blue rockfish/Deacon rockfish (Oregon). 2.32 mt is deducted from the ACL to accommodate the EFP catch (0.5 mt), research (0.08 mt), and the incidental open access fishery (1.74 mt), resulting in a fishery HG of 600.7 mt.

[jj/] Cabezon/kelp greenling (Oregon). 0.21 mt is deducted from the ACL to accommodate EFP catch (0.1 mt), research (0.05 mt), and the incidental open access fishery (0.06 mt), resulting in a fishery HG of 197.8 mt.

[kk/] Cabezon/kelp greenling (Washington). 2 mt is deducted from the ACL to accommodate the Tribal fishery, therefore the fishery HG is 18 mt.

[ll/] Nearshore Rockfish north of 40°10′ N lat. 3.08 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt), EFP catch (0.5 mt), research (0.47 mt), and the incidental open access fishery (0.61 mt), resulting in a fishery HG of 75.9 mt. State specific HGs are Washington (18.4 mt), Oregon (22.7 mt), and California (37.6 mt).

[mm/] Nearshore Rockfish south of 40°10′ N lat. 4.42 mt is deducted from the ACL to accommodate research catch (2.68 mt) and the incidental open access fishery (2.68 mt), resulting in a fishery HG of 1,011.6 mt.

[nn/] Other Fish. The Other Fish complex is comprised of kelp greenling off California and leopard shark coastwide. 21.34 mt is deducted from the ACL to accommodate EFP catch (0.1 mt), research (6.29 mt), and the incidental open access fishery (14.95 mt), resulting in a fishery HG of 201.7 mt.

[oo/] Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with stock-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include: Butter sole, curlfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. 220.89 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), EFP catch (0.1 mt), research (23.63 mt), and the incidental open access fishery (137.16 mt), resulting in a fishery HG of 4,581.1 mt.

[pp/] Shelf Rockfish north of 40°10′ N lat. 72.44 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), EFP catch (1.5 mt), research (15.32 mt), and the incidental open access fishery (25.62 mt), resulting in a fishery HG of 1,438.66 mt.

[qq/] Shelf Rockfish south of 40°10′ N lat. 132.77 mt is deducted from the ACL to accommodate EFP catch (50 mt), research catch (15.1 mt), and the incidental open access fishery (67.67 mt) resulting in a fishery HG of 1,305.2 mt.

[rr/] Slope Rockfish north of 40°10′ N lat. 65.89 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), EFP catch (0.5 mt), and research (10.51 mt), and the incidental open access fishery (18.88 mt), resulting in a fishery HG of 1,529.1 mt.

[ss] Slope Rockfish south of 40°10′ N lat. 38.94 mt is deducted from the ACL to accommodate EFP catch (1 mt), and research (18.21 mt), and the incidental open access fishery (19.73 mt), resulting in a fishery HG of 670.1 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10′ N lat. set equal to the species′ contribution to the ACL. Harvest of blackgill rockfish in all groundfish fisheries south of 40°10′ N lat. counts against this HG of 176.5 mt.

■ 4. Revise Table 1b to part 660, subpart C, to read as follows:

TABLE 1b TO PART 660, SUBPART C—2021, ALLOCATIONS BY SPECIES OR SPECIES GROUP

[Weight in metric tons]

| Stocks/stock complexes | Area | Fishery HG or ACT [a/b] | Trawl | | Non-trawl | |
|---|---|---|---|---|---|---|
| | | | % | Mt | % | Mt |
| Yelloweye Rockfish [a] | Coastwide | 41.2 | 8 | 3.3 | 92 | 37.9 |
| Arrowtooth flounder | Coastwide | 7,837.9 | 95 | 7,446 | 5 | 391.9 |
| Big skate [a] | Coastwide | 1,419.7 | 95 | 1,348.7 | 5 | 71 |
| Bocaccio [a] | S of 40°10′ N lat | 1,700.2 | 39 | 663.8 | 60 | 1,036.4 |
| Canary rockfish [a] | Coastwide | 1,268.6 | 72 | 917 | 28 | 351.6 |
| Chilipepper rockfish | S of 40°10′ N lat | 2,260.3 | 75 | 1,695.2 | 25 | 565.1 |
| Cowcod [a] | S of 40°10′ N lat | 50 | 36 | 18 | 64 | 32 |
| Darkblotched rockfish | Coastwide | 862.9 | 95 | 819.8 | 5 | 43.1 |
| Dover sole | Coastwide | 48,402.8 | 95 | 45,982.7 | 5 | 2,420.1 |
| English sole | Coastwide | 8,924.4 | 95 | 8,478.2 | 5 | 446.2 |
| Lingcod | N of 40′10° N lat | 5,090.6 | 45 | 2,290.8 | 55 | 2,799.8 |
| Lingcod [a] | S of 40′10° N lat | 1,089 | 40 | 435.6 | 60 | 653.4 |
| Longnose skate [a] | Coastwide | 1,571.6 | 90 | 1,414.4 | 10 | 157.2 |
| Longspine thornyhead | N of 34°27′ N lat | 2,580.3 | 95 | 2,451.3 | 5 | 129 |
| Pacific cod | Coastwide | 1,093.9 | 95 | 1,039.2 | 5 | 54.7 |
| Pacific ocean perch | N of 40°10′ N lat | 3,829.3 | 95 | 3,637.8 | 5 | 191.5 |
| Pacific whiting [c] | Coastwide | 304,005 | 100 | 304,005 | 0 | 0 |
| Petrale sole [a] | Coastwide | 3,727.9 | ..... | 3,697.9 | ..... | 30 |
| Sablefish | N of 36° N lat | NA | See Table 1c | | | |
| Sablefish | S of 36° N lat | 1,861.6 | 42 | 782.3 | 58 | 1,080.3 |
| Shortspine thornyhead | N of 34°27′ N lat | 1,349.6 | 95 | 1,282.1 | 5 | 67.5 |
| Shortspine thornyhead | S of 34°27′ N lat | 749.3 | ..... | 50 | ..... | 699.3 |
| Splitnose rockfish | S of 40°10′ N lat | 1,647.6 | 95 | 1,565.2 | 5 | 82.4 |
| Starry flounder | Coastwide | 343.6 | 50 | 171.8 | 50 | 171.8 |
| Widow rockfish [a] | Coastwide | 14,476.7 | ..... | 14,076.7 | ..... | 400 |
| Yellowtail rockfish | N of 40°10′ N lat | 5,012.5 | 88 | 4,411.0 | 12 | 601.5 |
| Other Flatfish | Coastwide | 4581.1 | 90 | 4,123 | 10 | 458.1 |
| Shelf Rockfish [a] | N of 40°10′ N lat | 1,438.7 | 60.2 | 866.1 | 39.8 | 572.6 |
| Shelf Rockfish [a] | S of 40°10′ N lat | 1,305.2 | 12.2 | 159.2 | 87.8 | 1,146 |
| Slope Rockfish | N of 40°10′ N lat | 1,529.1 | 81 | 1,238.6 | 19 | 290.5 |
| Slope Rockfish [a] | S of 40°10′ N lat | 670.1 | ..... | 526.4 | ..... | 143.7 |

[a] Allocations decided through the biennial specification process.

[b] The cowcod fishery harvest guideline is further reduced to an ACT of 50 mt. The non-trawl allocation is further split 50:50 between the commercial and recreational sectors.

[c] Consistent with regulations at § 660.55(i)(2), the commercial harvest guideline for Pacific whiting is allocated as follows: 34 percent for the C/P Coop Program; 24 percent for the MS Coop Program; and 42 percent for the Shorebased IFQ Program. No more than 5 percent of the Shorebased IFQ Program allocation may be taken and retained south of 42° N lat. before the start of the primary Pacific whiting season north of 42° N lat.

■ 5. In § 660.140, revise paragraph (d)(1)(ii)(D) to read as follows:

**§ 660.140 Shorebased IFQ Program.**

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

TABLE 1 TO PARAGRAPH (d)(1)(ii)(D)

| IFQ species | Area | 2021 Shorebased trawl allocation (mt) | 2022 Shorebased trawl allocation (mt) |
|---|---|---|---|
| Yelloweye Rockfish | Coastwide | 3.3 | 3.4 |
| Arrowtooth flounder | Coastwide | 7,376.02 | 5974.77 |
| Bocaccio | South of 40°10′ N lat | 663.75 | 654.38 |
| Canary rockfish | Coastwide | 880.96 | 858.56 |
| Chilipepper | South of 40°10′ N lat | 1,695.2 | 1,621 |
| Cowcod | South of 40°10′ N lat | 18 | 18 |

TABLE 1 TO PARAGRAPH (d)(1)(ii)(D)—Continued

| IFQ species | Area | 2021 Shorebased trawl allocation (mt) | 2022 Shorebased trawl allocation (mt) |
|---|---|---|---|
| Darkblotched rockfish | Coastwide | 743.39 | 694.94 |
| Dover sole | Coastwide | 45,972.65 | 45,972.65 |
| English sole | Coastwide | 8,478.2 | 8,407.9 |
| Lingcod | North of 40°10′ N lat | 2,275.78 | 2,090.83 |
| Lingcod | South of 40°10′ N lat | 435.6 | 463.6 |
| Longspine thornyhead | North of 34°27′ N lat | 2,451.28 | 2,278.38 |
| Pacific cod | Coastwide | 1,039.21 | 1,039.21 |
| Pacific halibut (IBQ) | North of 40°10′ N lat | 69.6 | 69.6 |
| Pacific ocean perch | North of 40°10′ N lat | 3,337.74 | 3,201.94 |
| Pacific whiting | Coastwide | 127,682 | TBD |
| Petrale sole | Coastwide | 3,692.9 | 3,237.5 |
| Sablefish | North of 36° N lat | 3,139.59 | 2,985.42 |
| Sablefish | South of 36° N lat | 786 | 748 |
| Shortspine thornyhead | North of 34°27′ N lat | 1,212.12 | 1,178.87 |
| Shortspine thornyhead | South of 34°27′ N lat | 50 | 50 |
| Splitnose rockfish | South of 40°10′ N lat | 1,565.20 | 1,531.00 |
| Starry flounder | Coastwide | 171.8 | 171.8 |
| Widow rockfish | Coastwide | 13,600.68 | 12,663.68 |
| Yellowtail rockfish | North of 40°10′ N lat | 4,091.13 | 3,898.4 |
| Other Flatfish complex | Coastwide | 4,088.00 | 4,120.40 |
| Shelf Rockfish complex | North of 40°10′ N lat | 831.07 | 794.56 |
| Shelf Rockfish complex | South of 40°10′ N lat | 159.24 | 158.02 |
| Slope Rockfish complex | North of 40°10′ N lat | 938.58 | 916.71 |
| Slope Rockfish complex | South of 40°10′ N lat | 526.4 | 523.9 |

* * * * *

[FR Doc. 2021–08997 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–22–P

# Notices

Federal Register

Vol. 86, No. 84

Tuesday, May 4, 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 29, 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 June 3, 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.

### Animal and Plant Health Inspection Service

*Title:* Communicable Diseases in Horses.

*OMB Control Number:* 0579–0127.

*Summary of Collection:* Under the authority of the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of U.S. livestock and poultry. Equine infectious anemia (EIA) is an infectious and potentially fatal viral disease of equines. There is no vaccine or treatment for the disease. It is often difficult to differentiate from other fever-producing diseases, including anthrax, influenza, and equine encephalitis. The regulations in 9 CFR 75.4 govern the interstate movement of equines that have tested positive to an official test for EIA (EIA reactors) and provide for the approval of laboratories, diagnostic facilities, and research facilities. Ensuring the safe movement of these horses requires the use of information collection activities, including an EIA laboratory test form, a certificate or permit for the interstate movement of an EIA reactor, a supplemental investigation form if a horse tests positive for EIA, agreements, request for hearing, and written notification of withdrawal of approval.

*Need and Use of the Information:* The information collected from forms, APHIS VS 10–11, Equine Infectious Anemia Laboratory Test; VS 10–12, Equine Infectious Anemia Supplemental Investigation; and VS 1–27, Permit for the Movement of Restricted Animals, VS–10–15, Agreement to Conduct Equine Infectious Anemia Testing, VS–10–16, Application to Conduct Laboratory Equine Infectious Anemia Testing, VS 10–17, Laboratory Inspection Checklist for Equine Infectious Anemia Testing, will be used to prevent the spread of equine infectious anemia. Regulations also require the use an Agreement for Approved Livestock Facilities, Request for Hearing, Written Notification of Approval or Withdrawal, Review of Requirements and Interview, Memorandum of Recommendation and Justification, Monthly Summary Reporting, Denial or Withdrawal of Laboratory Approval. Without the information it would be impossible for APHIS to effectively regulate the interstate movement of horses infected with EIA.

*Description of Respondents:* Farms; Business or other for-profit; State, Local and Tribal Government.

*Number of Respondents:* 235,018.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 93,030.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021–09361 Filed 5–3–21; 8:45 am]

BILLING CODE 3410–34–P

## COMMISSION ON CIVIL RIGHTS

### Notice of Establishment and Solicitation of Nominations for U.S. Territory Advisory Committees

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Establishment of advisory committees in U.S. Virgin Islands, Puerto Rico, Northern Mariana Islands, Guam, and American Samoa and Request for Member Nominations.

**SUMMARY:** The U.S. Commission on Civil Rights (USCCR) is soliciting comments and recommendations regarding USCCR's intent to establish advisory committees in the U.S. Virgin Islands, Puerto Rico, Northern Mariana Islands, Guam, and American Samoa and is seeking nominations of qualified and bipartisan candidates who reside in these particular territories for consideration for appointment as voluntary Special Government Employees of these advisory committees. These advisory committees will operate as Federal Advisory Committees under the Federal Advisory Committee Act and under the USCCR's jurisdiction, policies, and procedures for its advisory committees.

**DATES:** Nominations for membership on the advisory committees should be received on or before June 30, 2021.

**ADDRESSES:** Written comments on the described intent to establish these U.S. Territory Advisory Committees and nominations to these committees must be submitted to:

1. Submission of comments on the intent to establish U.S. Territory Advisory Committees. Angelia Rorison, Director of Media and Communications, FOIA Public Liaison, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425, ATTN: U.S. Territory Advisory Committees Establishment or via email at *arorison@usccr.gov,* SUBJECT: U.S. Territory Advisory Committees Establishment.

2. Submission of U.S. Territory Advisory Committee nominations for membership (Residence in territory nominated for is required). David Mussatt, Ph.D., Supervisory Chief of Regional Programs, U.S. Commission on Civil Rights, Kluczynski Federal Building, 230 S Dearborn St., Suite 2120, Chicago, IL 60604, ATTN: U.S. Territory Advisory Committee Nomination or via email at *dmussatt@usccr.gov,* SUBJECT: U.S. Territory Advisory Committee Nomination. Individuals who would like to self-nominated may apply directly at *https://www.surveymonkey.com/r/S7WCLL6.*

**FOR FURTHER INFORMATION CONTACT:** David Mussatt, Ph.D., Supervisory Chief of Regional Programs, U.S. Commission on Civil Rights, Kluczynski Federal Building, 230 S Dearborn St., Suite 2120, Chicago, IL 60604 or (312) 353–8311.

**SUPPLEMENTARY INFORMATION:** The USCCR authorizing statute, 42 U.S.C. 1975a, provides the authority for the Commission to establish advisory committees. USCCR Advisory Committees provide independent advice and recommendations to the USCCR about civil rights matters within each committee's particular geographical jurisdiction. The Committees are composed of bipartisan volunteers who reside within the geographical jurisdiction for the particular committee and diverse viewpoints and experiences. They all have demonstrated interest and experience in civil rights. Each committee will hold at least four meetings per calendar year, or at the discretion of the committee Chair and Designated Federal Officer. These meetings may be held in-person or virtually.

*Nominations:* USCCR is requesting nominations to each of the five U.S. Territory advisory committees. The committees may be composed of eight to 15 members, and they must be bipartisan and reflect a diversity of viewpoints and experiences. The Commission will appoint the members of each committee to a four-year term. The Commission will also appoint the Chair of each committee. Interested applicants may self-nominate or be nominated by another individual or organization. Self-nominations may apply directly at *https://www.surveymonkey.com/r/S7WCLL6.*

USCCR endeavors to ensure that the membership of the U.S. Territory advisory committees is fairly balanced in terms of political membership, points of view represented, and that individuals from a broad representation of gender, and ethnic and minority groups, as well as individuals with disabilities, are considered for membership. Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, or cultural, religious, or socioeconomic status.

Dated: April 29, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–09391 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meetings of the Minnesota Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold two briefings via web conference on Thursday May 13, and Thursday May 27, 2021 at 12:00 p.m. Central Time for the purpose of gathering testimony on Police Practices and civil rights concerns in Minnesota.

**DATES:** The briefings will be held on:

Thursday, May 13, 2021, at 12:00 p.m. Central Time

Thursday, May 27, 2021, at 12:00 p.m. Central Time

Webex link to both briefings: *https://civilrights.webex.com/civilrights/j.php?MTID=m24cf6c2da5b3f7afcac68485039110a8*

OR

*Join by phone:* 800–360–9509 USA Toll Free

*Access Code:* 199 220 9335

**FOR FURTHER INFORMATION CONTACT:** David Barreras, Designated Federal Officer, at *dbarreras@usccr.gov* or (202) 499–4066.

**SUPPLEMENTARY INFORMATION:** Members of the public may listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. An individual who is 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 conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to David Barreras at *dbarreras@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzm3AAA* under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email address.

**Agenda**

I. Welcome & Roll Call
II. Chair's Comments
III. Panelists Discussion
IV. Public Comment
VI. Adjournment

Dated: April 28, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–09269 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 2111]**

### Expansion of Foreign-Trade Zone 29 Under Alternative Site Framework Louisville, Kentucky

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas,* the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade

zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas,* the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas,* the Louisville & Jefferson County Riverport Authority, grantee of Foreign-Trade Zone 29, submitted an application to the Board (FTZ Docket B–51–2020, docketed August 5, 2020) for authority to expand existing magnet Site 15 under the ASF;

*Whereas,* notice inviting public comment was given in the **Federal Register** (85 FR 48503–48504, 8/11/2020) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas,* the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, Therefore,* the Board hereby orders:

The application to expand FTZ 29 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and further that the site would continue to be subject to a five-year sunset provision as an ASF magnet site.

Dated: April 27, 2021.

**Christian B. Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2021–09314 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–52–2020]**

### Foreign-Trade Zone 38—Spartanburg County, South Carolina, Application for Production Authority, Teijin Carbon Fibers, Inc., Amendment of Application

The Foreign-Trade Zones (FTZ) Board (the Board) has received a submission from the South Carolina State Ports Authority, grantee of FTZ 38, amending the application requesting production authority within FTZ 38 on behalf of Teijin Carbon Fibers, Inc. (TCF), in Greenwood, South Carolina. The Board is inviting public comment on the amendment to the application.

The amendment removes 12,000 tow polyacrylonitrile fiber (precursor) from the foreign-status materials/components that TCF could use under the requested FTZ authority. In response to this invitation for public comment, parties may also address argument or evidence presented in the application and in other prior submissions in this proceeding. The amendment, application and parties' submissions may be viewed in the Online FTZ Information System on the Board's website (accessible via *www.trade.gov/ftz*).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.*

The closing period for their receipt is June 3, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 18, 2021).

**FOR FURTHER INFORMATION CONTACT:** Diane Finver at *Diane.Finver@trade.gov.*

Dated: April 29, 2021.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2021–09378 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[S–38–2021]**

### Approval of Subzone Status; Piramal Critical Care, Inc.; Linden, New Jersey

On March 5, 2021, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the State of New Jersey, Department of State, grantee of FTZ 44, requesting subzone status subject to the existing activation limit of FTZ 44, on behalf of Piramal Critical Care, Inc., in Linden, New Jersey.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (86 FR 13694, March 10, 2021). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 44N was approved on April 28, 2021, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 44's 407.5-acre activation limit.

Dated: April 28, 2021.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2021–09313 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–831–804]**

### Certain Aluminum Foil From the Republic of Armenia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Republic of Armenia (Armenia) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2020, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Margaret Collins or George McMahon, 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) 482–6250 or (202) 482–1167, respectively.

**SUPPLEMENTARY INFORMATION:**

## Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members [1] (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.[2]

[1] The individual members of the Aluminum Association Trade Enforcement Group include Granges Americas Inc, JW Aluminum Company and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[2] *See* Petitioners' submission ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of

Commerce published the notice of initiation of this investigation on October 19, 2020.[3] On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.[4] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

**Scope of the Investigation**

The product covered by this investigation is aluminum foil from Armenia. For a complete description of the scope of this investigation, *see* Appendix I.

**Scope Comments**

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice.*

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.[9] There will be no further opportunity for comments on scope-related issues.

**Methodology**

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Because Armenia is a non-market economy, within the meaning of section 771(18) of the Act, Commerce has calculated normal value (NV) in accordance with section 773(c) of the Act. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

**Combination Rates**

In the *Initiation Notice,*[10] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[11] In this investigation, we calculated producer/exporter combination rates for Armenal, the only respondent eligible for a separate rate.

**Preliminary Determination**

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

| Producer | Exporter | Estimated weighted-average dumping margin (percent) |
|---|---|---|
| Rusal Armenal CJSC | Rusal Products GmbH | 188.84 |
| Rusal Armenal CJSC | Rusal Marketing GmbH | 188.84 |
| Armenia-Wide Entity | | 188.84 |

**Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which NV exceeds U.S. price, as indicated in the chart above, as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Armenia producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Armenia-wide entity; and (3) for all third-county exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Armenia producer/exporter combination (or the Armenia-wide entity) that supplied that

Antidumping and Countervailing Duties,'' dated September 29, 2020.

[3] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

[4] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 86 FR 9909 (February 17, 2021).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Republic of Armenia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[9] Case briefs, other written comments, and rebuttal briefs submitted by parties in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum, and ''Public Comment'' section of this notice.

[10] *See Initiation Notice.*

[11] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at: *http://enforcement.trade.gov/policy/bull05-1.pdf.*

third-country exporter. These suspension of liquidation instructions will remain in effect until further notice.

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

**Public Comment**

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

**Postponement of Final Determination and Extension of Provisional Measures**

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On March 23, 2021, pursuant to 19 CFR 351.210(e), Armenal requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[14] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

**Notification to Interested Parties**

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: April 27, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[13] *See Temporary Rule.*

[14] *See* Armenal's Letter, ''Certain Aluminum Foil from Armenia: Armenal's Request for Postponement for Final Antidumping Determination,'' dated March 23, 2021.

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. 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 forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Scope Comments
VI. Affiliation
VII. Discussion of the Methodology
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–09321 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–124, C–570–125]**

## Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof From the People's Republic of China: Antidumping and 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 U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on certain vertical shaft engines between 99cc and up to 225cc, and parts thereof (small vertical engines) from the People's Republic of China (China).

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Luberda (AD) or Ajay Menon (CVD), AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185 or (202) 482–1993, respectively.

**SUPPLEMENTARY INFORMATION:**

### Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on March 12, 2021, Commerce published its affirmative final determination of sales at less-than-fair-value (LTFV) [1] and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of small vertical engines from China.[2] As part of these determinations, Commerce made affirmative critical circumstances findings for the Zongshen Group [3] and the China-wide entity in the AD investigation and Chongqing Zongshen General Power Machine Co. in the CVD investigation.[4] Commerce made negative critical circumstances findings for Chongqing Kohler Engines Ltd. (Chongqing Kohler) and the non-individually examined separate rate companies in the AD investigation and Chongqing Kohler and all other exporters and producers in the CVD investigation.[5] On April 26, 2021, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of LTFV imports and subsidized imports of small vertical engines from China, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.[6] In addition, the ITC found that critical circumstances exist with regard to certain imports from China.

### Scope of the Orders

The products covered by these orders are small vertical engines from China. For a complete description of the scope of the orders, *see* Appendix I to this notice.

### AD Order

On April 26, 2021, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations 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 imports of small vertical engines from China.[7] Therefore, Commerce is issuing this AD order in accordance with sections 735(c)(2) and 736 of the Act. Because the ITC determined that imports of small vertical engines from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China entered, or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties. In addition, the ITC found that critical circumstances exist with regard to imports from China subject to Commerce's affirmative critical circumstances findings within the meaning of section 735(b)(4)(A) of the Act. As a result of Commerce's affirmative critical circumstances determination under section 735(a)(3) of the Act, and the ITC's affirmative

[1] *See Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part,* 86 FR 14077 (March 12, 2021) (*LTFV Final Determination*).

[2] *See Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 86 FR 14071 (March 12, 2021) (*CVD Final Determination*).

[3] The Zongshen Group consists of Chongqing Zongshen General Power Machine Co., Ltd./ Chongqing Dajiang Power Equipment Co., Ltd./ Chongqing Zongshen Power Machinery Co., Ltd.

[4] *See LTFV Final Determination,* 86 FR at 14077–140778; and *CVD Final Determination,* 86 FR at 14071, and accompanying Issues and Decision Memorandum at Comments 4 and 5.

[5] *See LTFV Final Determination,* 86 FR at 14078; and *CVD Final Determination,* 86 FR at 14071, and accompanying Issues and Decision Memorandum at Comments 4 and 5.

[6] *See* ITC's Letter, Notification of ITC Final Determinations, dated April 26, 2021 (ITC Notification).

[7] *Id.*

critical circumstances determination under section 735(b)(4)(A) of the Act, retroactive duties will be applied to the relevant imports for a period of 90 days prior to the suspension of liquidation.[8]

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 small vertical engines from China. With respect to AD entries from the Zongshen Group and the China-wide entity, antidumping duties will be assessed on unliquidated entries of small vertical engines from China entered, or withdrawn from warehouse, for consumption on or after July 23, 2020, which is 90 days prior to the date of publication of the *LTFV Preliminary Determination,* in accordance with the critical circumstances finding in the final determination.[9] With respect to entries from Chongqing Kohler and companies not individually examined, but granted a separate rate, antidumping duties will be assessed on unliquidated entries of small vertical engines from China entered, or withdrawn from warehouse, for consumption on or after October 21, 2020, the date of publication of the *LTFV Preliminary Determination.*[10] Antidumping duties will not be assessed on any 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.

**Continuation of Suspension of Liquidation—AD**

In accordance with section 736 of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of small vertical engines from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice. For each producer and exporter combination, Commerce will also instruct CBP to require cash deposits for estimated antidumping duties equal to the cash deposit rates listed below.

Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as an importer of record would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the cash deposit rates listed below.[11] As stated in the *LTFV Final Determination,* Commerce made certain adjustments for export subsidies from the *CVD Final Determination* to the estimated weighted-average dumping margin to determine each of the cash deposit rates.

| Exporter | Producer | Estimated weighted-average dumping margin (percent) | Cash deposit rate (adjusted for subsidy offsets) (percent) |
|---|---|---|---|
| Chongqing Kohler Engines Ltd | Chongqing Kohler Engines Ltd | 374.31 | 374.31 |
| Chongqing Zongshen General Power Machine Co., Ltd./Chongqing Dajiang Power Equipment Co., Ltd./ Chongqing Zongshen Power Machinery Co., Ltd. | Chongqing Zongshen General Power Machine Co., Ltd./Chongqing Dajiang Power Equipment Co., Ltd./ Chongqing Zongshen Power Machinery Co., Ltd. | 316.88 | 304.35 |
| Producers Supplying the Non-Individually-Examined Exporters Receiving Separate Rates (*see* Appendix II). | Non-Individually-Examined Exporters Receiving Separate Rates (*see* Appendix II). | 342.88 | 336.61 |
| China-Wide Entity | | 541.75 | 535.48 |

**Provisional Measures—AD**

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 that Commerce may extend the four-month period to no more than six months at the request of exporters representing a significant proportion of exports of the subject merchandise. Commerce published its *LTFV Preliminary Determination* on October 21, 2020.[12] On November 9, 2020, Commerce postponed the *LTFV Final Determination* and extended the provisional measures period from four months to six months.[13] Commerce published the *LTFV Final Determination* in the **Federal Register** on March 12, 2021.[14] The six-month period beginning on the date of publication of the *LTFV Preliminary Determination* ended on April 18, 2021.

Therefore, in accordance with section 733(d) of the Act, Commerce intends to instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of small vertical engines from China entered, or withdrawn from warehouse, for consumption after April 18, 2021, the date on which the provisional measures expired. Suspension of liquidation will resume on the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**.

**CVD Order**

On April 26, 2021, in accordance with section 705(d) of the Act, the ITC notified Commerce of its 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 imports of small vertical engines from China.[15] Therefore, Commerce is issuing this CVD order in accordance with sections 705(c)(2) and 706 of the Act.

[8] *See* section 735(c)(4) of the Act; *see also* Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, vol. 1 (1994) (SAA) at 876 (''If both agencies make affirmative {critical circumstances} determinations in their final investigations, retroactive duties will be applied for a period ninety days prior to suspension of liquidation.'')

[9] *See Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances, in Part,* 85 FR 66932 (October 21, 2020) (*LTFV Preliminary Determination*).

[10] *Id.*

[11] *See* section 736(a)(3) of the Act.

[12] *See LTFV Preliminary Determination.*

[13] *See Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Postponement of Final Determination of Sales at Less Than Fair Value Investigation,* 85 FR 71319 (November 9, 2020).

[14] *See LTFV Final Determination.*

[15] *See* ITC Notification.

Because the ITC determined that imports of small vertical engines from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China entered, or withdrawn from warehouse, for consumption are subject to the assessment of countervailing duties. In addition, the ITC found that critical circumstances exist with regard to imports from China subject to Commerce's affirmative critical circumstances findings within the meaning of section 705(b)(4)(A) of the Act. As a result of Commerce's affirmative critical circumstances determination under section 705(a)(2) of the Act, and the ITC's affirmative critical circumstances determination under section 705(b)(4)(A) of the Act, retroactive duties will be applied to the relevant imports for a period of 90 days prior to the suspension of liquidation.[16]

Therefore, in accordance with section 706(a)(1) of the Act, Commerce will direct CBP to assess, upon further instruction by Commerce, countervailing duties on all relevant entries of small vertical engines from China. With respect to entries from Chongqing Zongshen General Power Machine Co.,[17] countervailing duties will be assessed on unliquidated entries of small vertical engines from China which are entered, or withdrawn from warehouse, for consumption on or after May 26, 2020, which is 90 days prior to the date of publication of the *CVD Preliminary Determination.*[18] With respect to entries from Chongqing Kohler[19] and all other producers, countervailing duties will be assessed on unliquidated entries of small vertical engines from China which are entered, or withdrawn from warehouse, for consumption on or after August 24, 2020, the date of publication of the *CVD Preliminary Determination.*[20] Countervailing duties will not be assessed on any 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.

**Suspension of Liquidation—CVD**

In accordance with section 706 of the Act, we will instruct CBP to reinstitute suspension of liquidation on all relevant entries of small vertical engines from China, effective on the date of publication of the ITC's final affirmative injury determinations 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 rate for the subject merchandise. These instructions suspending liquidation will remain in effect until further notice. Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below.[21] The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

| Company | Subsidy rate (percent) |
|---|---|
| Chongqing Kohler Engines Ltd | 2.84 |
| Chongqing Zongshen General Power Machine Co | 18.13 |
| All Others | 10.46 |

**Provisional Measures—CVD**

Section 703(d) of the Act states that suspension of liquidation instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published its *CVD Preliminary Determination* on August 24, 2020. Therefore, the provisional measures period, beginning on the date of publication of the *CVD Preliminary Determination,* ended on December 21, 2020.

Therefore, in accordance with section 703(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of small vertical engines from China entered, or withdrawn from warehouse, for consumption after December 21, 2020, the date on which the provisional measures expired. Pursuant to section 707(b) of the Act, the collection of cash deposits at the rate listed above will begin on the date of publication of the ITC's final affirmative injury determination. Suspension of liquidation will also resume on the date of publication of the ITC's final affirmative injury determination.

**Notifications to Interested Parties**

This notice constitutes the AD and CVD orders with respect to small vertical engines from China pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 28, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix I—Scope of the Orders

The merchandise covered by these orders consists of spark-ignited, non-road, vertical shaft engines, whether finished or unfinished, whether assembled or unassembled, whether mounted or unmounted, primarily for walk-behind lawn mowers. Engines meeting this physical description may also be for other non-hand-held outdoor power equipment, including but not limited to, pressure washers. The subject engines are spark ignition, single-cylinder, air cooled, internal combustion engines with vertical power take off shafts with a minimum displacement of 99 cubic centimeters (cc) and a maximum displacement of up to, but not including, 225cc. Typically, engines with displacements of this size generate gross power of between 1.95 kilowatts (kw) to 4.75 kw.

Engines covered by this scope normally must comply with and be certified under Environmental Protection Agency (EPA) air pollution controls title 40, chapter I, subchapter U, part 1054 of the Code of Federal Regulations standards for small non-road spark-ignition engines and equipment. Engines that otherwise meet the physical description of the scope but are not certified under 40 CFR part 1054 and are not certified under other parts of subchapter U of the EPA

[16] *See* section 705(c)(4) of the Act; *see also* SAA at 876 (''If both agencies make affirmative {critical circumstances} determinations in their final investigations, retroactive duties will be applied for a period ninety days prior to suspension of liquidation.'')

[17] Chongqing Zongshen General Power Machine Co. is cross-owned with Chongqing Zongshen Power Machinery Co., Ltd.; Zong Shen Industrial Group; Chongqing Zongshen Automobile Air Intake System Manufacturing Co., Ltd.; Chongqing Zongshen High Speed Boat Development Co., Ltd.; Chongqing Zong Shen Electrical Appliance Co., Ltd.; and Chongqing Dajiang Power Equipment Co., Ltd.

[18] *See Certain Vertical Shaft Engines Between 99cc and up to 225cc, and Parts Thereof, from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 85 FR 52086 (August 24, 2020) (*CVD Preliminary Determination*); *see also Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances, in Part, in the Countervailing Duty Investigation,* 85 FR 68851 (October 30, 2020) (*CVD Preliminary Critical Circumstances Determination*).

[19] Chongqing Kohler is cross-owned with Kohler (China) Investment Company.

[20] *See CVD Preliminary Determination;* and *CVD Preliminary Critical Circumstances Determination.*

[21] *See* section 706(a)(3) of the Act.

air pollution controls are not excluded from the scope of these proceedings. Engines that may be certified under both 40 CFR part 1054 as well as other parts of subchapter U remain subject to the scope of these proceedings.

Certain small vertical shaft engines, whether or not mounted on non-hand-held outdoor power equipment, including but not limited to walk-behind lawn mowers and pressure washers, are included in the scope. However, if a subject engine is imported mounted on such equipment, only the engine is covered by the scope. Subject merchandise includes certain small vertical shaft engines produced in the subject country whether mounted on outdoor power equipment in the subject country or in a third country. Subject engines are covered whether or not they are accompanied by other parts.

For purposes of these orders, an unfinished engine covers at a minimum a sub-assembly comprised of, but not limited to, the following components: Crankcase, crankshaft, camshaft, piston(s), and connecting rod(s). Importation of these components together, whether assembled or unassembled, and whether or not accompanied by additional components such as a sump, carburetor spacer, cylinder head(s), valve train, or valve cover(s), constitutes an unfinished engine for purposes of these orders. The inclusion of other products such as spark plugs fitted into the cylinder head or electrical devices (*e.g.,* ignition coils) for synchronizing with the engine to supply tension current does not remove the product from the scope. The inclusion of any other components not identified as comprising the unfinished engine subassembly in a third country does not remove the engine from the scope.

Specifically excluded from the scope of these orders are ''Commercial'' or ''Heavy Commercial'' engines under 40 CFR 1054.107 and 40 CFR 1054.135 that have (1) a displacement of 160cc or greater, (2) a cast iron cylinder liner, (3) an automatic compression release, and (4) and a muffler with at least three chambers and volume greater than 400cc.

The engines subject to these orders are predominantly classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 8407.90.1010. The engine subassemblies that are subject to these orders enter under HTSUS 8409.91.9990. The mounted engines that are subject to these orders enter under HTSUS 8433.11.0050, 8433.11.0060, and 8424.30.9000. Engines subject to these orders may also enter under HTSUS 8407.90.1020, 8407.90.9040, and 8407.90.9060. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the orders is dispositive.

## Appendix II—Separate Rate Companies

| Exporter | Producer |
|---|---|
| Non-individually-examined exporters receiving separate rates | Producers supplying the non-individually-examined exporters receiving separate rates |
| Changzhou Kawasaki and Kwang Yang Engine Co., Ltd | Changzhou Kawasaki and Kwang Yang Engine Co., Ltd. |
| Chongqing Chen Hui Electric Machinery Co., Ltd | CHONGQING AM PRIDE POWER & MACHINERY CO., LTD. |
| Chongqing Chen Hui Electric Machinery Co., Ltd | Chongqing Kohler Motors Co., Ltd. |
| Chongqing HWASDAN Power Technology Co., Ltd | Chongqing HWASDAN Power Technology Co., Ltd. |
| Chongqing Rato Technology Co., Ltd | Chongqing Rato Technology Co., Ltd. |
| CHONGQING SENCI IMPORT&EXPORT TRADE CO., LTD | CHONGQING AM PRIDE POWER & MACHINERY CO., LTD. |
| CHONGQING SENCI IMPORT&EXPORT TRADE CO., LTD | Chongqing Zongshen General Power Machines Co., Ltd. |
| Jialing-Honda Motors Co., Ltd | Jialing-Honda Motors Co., Ltd. |
| Loncin Motor Co., Ltd | Loncin Motor Co., Ltd. |
| Wenling Qianjiang Imp. & Exp. Co., Ltd | Chongqing Rato Technology Co., Ltd. |
| Wenling Qianjiang Imp. & Exp. Co., Ltd | QIANJIANG GROUP WENLING JENNFENG INDUSTRY INC. |
| Zhejiang Amerisun Technology Co., Ltd | CHONGQING DINKING POWER MACHINERY CO., LTD. |
| Zhejiang Amerisun Technology Co., Ltd | Chongqing Rato Technology Co., Ltd. |
| Zhejiang Amerisun Technology Co., Ltd | LONCIN MOTOR CO., LTD. |
| Zhejiang Amerisun Technology Co., Ltd | Zhejiang Dobest Power Tools Co., Ltd. |

[FR Doc. 2021–09318 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–351–856]**

### Certain Aluminum Foil From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** George McMahon, 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) 482–1167.

**SUPPLEMENTARY INFORMATION:**

## Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members [1] (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.[2] On October 19, 2020, Commerce initiated the antidumping duty investigation on aluminum foil from Brazil.[3] On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.[4] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary

[1] The individual members of the Aluminum Association Trade Enforcement Group include Granges Americas Inc, JW Aluminum Company and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[2] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of Antidumping and Countervailing Duties,'' dated September 29, 2020.

[3] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

[4] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 86 FR 9909 (February 17, 2021).

Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

## Scope of the Investigation

The product covered by this investigation is aluminum foil from Brazil. For a complete description of the scope of this investigation, *see* Appendix I.

## Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice.*

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.[9] There will be no further opportunity for comments on scope-related issues.

## Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with an adverse inference for Arconic Ind. E Com de Metias LTDA (Arconic). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

## All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated an individual estimated weighted-average dumping margin for Companhia Brasiliera de Alumínio (CBA Alumínio) and CBA Itapissuma [10] (collectively, CBA) and assigned a rate based entirely on facts available to Arconic, the two respondents selected for individual examination in this investigation. Because the only individually calculated dumping margin not zero, *de minimis,* or based entirely on facts otherwise available, is the estimated weighted-average dumping margin calculated for CBA, we have assigned the margin calculated for CBA to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

## Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

| Exporter or producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Arconic Ind. E Com de Metias LTDA | * 63.05 |
| Companhia Brasiliera de Alumínio/CBA Itapissuma [11] | 13.87 |
| All Others | 13.87 |

* Adverse Facts Available (AFA).

## Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit for estimated antidumping duties as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

## Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

## Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[9] Case briefs, other written comments, and rebuttal briefs submitted by parties in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum; *see also* ''Public Comment'' section of this notice.

[10] *Id.*

[11] Commerce preliminarily determines that Companhia Brasiliera de Alumínio and CBA Itapissuma are affiliated, within the meaning of 771(33)(E) and (G) of the Act, and should be treated as a single entity, in accordance with 19 CFR 351.401(f). *See* Preliminary Decision Memorandum.

unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

## Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in these case briefs, may be submitted no later than seven days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

## Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On March 23, 2021, pursuant to 19 CFR 351.210(e), CBA requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[14] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

## International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of aluminum foil from Brazil are materially injuring, or threaten material injury to, the U.S. industry.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: April 27, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. 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 forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of Investigation
V. Scope Comments
VI. Application of Facts Available and Use of Adverse Inferences
VII. Affiliation, Collapsing, and Preliminary Successor-In-Interest Determination
VIII. Discussion of the Methodology
IX. Currency Conversion
X. Recommendation

[FR Doc. 2021–09319 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–DS–P

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[13] *See Temporary Rule.*

[14] *See* CBA's Letter, ''Antidumping Duty Investigation of Aluminum Foil from Brazil: Request for Postponement of Final Determination and Provisional Measures Period,'' dated March 23, 2021.

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–570–140]**

### Certain Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** William Langley at (202) 482–3861 or Theodore Pearson at (202) 482–2631, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 18, 2021, the Department of Commerce (Commerce) initiated a countervailing duty (CVD) investigation of imports of certain mobile access equipment and subassemblies thereof (mobile access equipment) from the People's Republic of China (China).[1] Currently, the preliminary determination is due no later than May 24, 2021.

#### Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On April 26, 2021, the petitioner[2] submitted a timely request that Commerce postpone the preliminary CVD determination.[3] The petitioner stated that it requests postponement so that Commerce has adequate time to analyze questionnaire responses from the mandatory respondents and the Government of China.[4]

In accordance with 19 CFR 351.205(e), the petitioner stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* July 26, 2021. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 28, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2021–09317 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 86 FR 15905 (March 25, 2021).

[2] The petitioner is the Coalition of American Manufacturers of Mobile Access Equipment.

[3] *See* Petitioner's Letter, ''Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Request for Postponement of Preliminary Determination,'' dated April 26, 2021.

[4] *Id.*

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–523–815]**

### Certain Aluminum Foil From the Sultanate of Oman: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Sultanate of Oman (Oman) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019 through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Smith or Alexander Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2181 or 202–482–4956.

**SUPPLEMENTARY INFORMATION:**

#### Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members[1] (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.[2] On October 19, 2020, Commerce initiated the antidumping duty investigation on aluminum foil from Oman.[3] On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.[4] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix

[1] The individual members of the Aluminum Association Trade Enforcement Group include Granges Americas Inc, JW Aluminum Company and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[2] *See* Petitioners' submission, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of Antidumping and Countervailing Duties,'' dated September 29, 2020.

[3] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

[4] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 86 FR 9909 (February 17, 2021).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

**Scope of the Investigation**

The product covered by this investigation is aluminum foil from Oman. For a complete description of the scope of this investigation, *see* Appendix I.

**Scope Comments**

In accordance with the preamble to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the scope comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice.*

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.[9] There will be no further opportunity for comments on scope-related issues.

**Methodology**

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce calculated export prices in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

**All-Others Rate**

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.

In this investigation, the ''all others'' rate is based on the dumping margin calculated for Oman Aluminium Rolling Company LLC (OARC), the only entity selected for individual examination and for which Commerce calculated a margin.[10]

**Preliminary Determination**

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:[11]

| Exporter/producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Oman Aluminium Rolling Company LLC | 4.03 |
| All Others | 4.03 |

**Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where we preliminarily make an affirmative determination for countervailable export subsidies, we offset the estimated weighted-average dumping margin by the appropriate CVD rate. However, in the companion CVD preliminary determination, we did not countervail any export subsidies.[12] Accordingly, we made no adjustment for export subsidy offsets to the estimated weighted-average dumping margin.

These suspension of liquidation instructions will remain in effect until further notice.

**Disclosure**

Commerce intends to disclose its calculations and analysis to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an onsite examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification of this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

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

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by this notice (Preliminary Scope Decision Memorandum).

[9] Case briefs, other written comments, and rebuttal briefs submitted by parties in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum, and ''Public Comment'' section of this notice.

[10] *See* section 735(c)(5)(A) of the Act.

[11] *See* Preliminary Decision Memorandum.

[12] *See Certain Aluminum Foil from the Sultanate of Oman: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 86 FR 12913 (March 5, 2021).

## Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted not later than seven days after the deadline date for case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

## Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On April 22, 2021, pursuant to 19 CFR 351.210(e), OARC requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[15] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination not later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

## International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of aluminum foil from Oman are materially injuring, or threaten material injury to, the U.S. industry.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: April 27, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations.*

## Appendix I

### Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. 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 forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II

### List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of Investigation
V. Scope Comments
VI. Affiliation
VII. Discussion of the Methodology
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–09320 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–DS–P

---

## DEPARTMENT OF COMMERCE

## International Trade Administration

**[A–821–828]**

## Certain Aluminum Foil From Russia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from Russia is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

[13] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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

[15] *See* OARC's Letter, ''Certain Aluminum Foil from Oman: Request for Postponement of Final Determination,'' dated April 22, 2021.

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Heaney, 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) 482–4475.

**SUPPLEMENTARY INFORMATION:**

## Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members [1] (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.[2] Commerce initiated this LTFV investigation on October 19, 2020.[3] On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

## Scope of the Investigation

The product covered by this investigation is aluminum foil from Russia. For a complete description of the scope of this investigation, *see* Appendix I.

## Scope Comments

In accordance with the preamble to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice.*

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.[9] There will be no further opportunity for comments on scope-related issues.

## Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences for Rusal Marketing GmbH, Rusal Products GmbH, RTI Limited, JSC United Company Rusal—Trading House, JSC Rusal Sayanal, and JSC Ural Foil (collectively, Rusal). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

## All-Others Rate

Section 733(d)(1)(A)(ii) of the Act provides that in the preliminary determination Commerce shall determine an estimated all-others rate for all producers and exporters not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters or producers individually investigated, excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis,* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce has preliminarily determined the estimated weighted-average dumping margin for Rusal entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the dumping margins alleged in the Petition. However, because there is a single dumping margin alleged in the Petition (*i.e.,* 62.18 percent),[10] we used that rate as the estimated weighted-average dumping margin for all other producers and exporters.

## Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

| Exporter or producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Rusal Marketing GmbH/Rusal Products GmbH/RTI Limited/JSC United Company Rusal—Trading House/JSC Rusal Sayanal/JSC Ural Foil | 62.18 |
| All Others | 62.18 |

## Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to

[1] The individual members of the Aluminum Association Trade Enforcement Group include Granges Americas Inc, JW Aluminum Company and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[2] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of Antidumping and Countervailing Duties,'' dated September 29, 2020 (Petition).

[3] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

[4] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 86 FR 9909 (February 17, 2021).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil from Russia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[9] Case briefs, other written comments, and rebuttal briefs submitted by in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum, and ''Public Comment'' section of this notice.

[10] *See* Petition; *see also Initiation Notice* at 85 FR 67714; *see also* Checklist, ''Certain Aluminum Foil from Russia Antidumping Duty Investigation Initiation Checklist,'' dated October 19, 2020 at 8.

suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit as follows: (1) The cash deposit rate for the companies listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

## Disclosure

Normally, Commerce discloses its calculations and analysis performed to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because we applied AFA and did not perform any margin calculations, no disclosure will be made for this preliminary determination.

## Verification

Because Rusal did not provide all of the information requested by Commerce and affirmatively stated that it would limit its participation in this investigation, we will not conduct verification of Rusal as part of this investigation.

## Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance, no later than 21 days after the date of publication of the preliminary determination.[11] Rebuttal briefs, limited to issues raised in these case briefs, may be submitted no later than seven days after the deadline date for case briefs.[12] The deadlines for submitting case and rebuttal briefs on scope issues are in the Preliminary Scope Decision Memorandum.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

## Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On March 23, 2021, pursuant to 19 CFR 351.210(e), Rusal requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[15] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

## International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of aluminum foil from Russia are materially injuring, or threaten material injury to, the U.S. industry.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: April 27, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

[11] *See* 19 CFR 351.309(c)(1)(i); and 19 CFR 351.303 (for general filing requirements). Commerce has exercised its discretion under 19 CFR 351.309(c)(1)(i) to alter the time limit for submission of case briefs.

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[13] *See* Preliminary Scope Decision Memorandum.

[14] *See Temporary Rule.*

[15] *See* Rusal Letter, ''Certain Aluminum Foil from Russia: Request Postponement of Final Determination and Provisional Measures Period,'' dated March 23, 2021.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape. 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 forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of Investigation
V. Scope Comments
VI. Affiliation and Collapsing as a Single Entity
VII. Application of Facts Available and Use of Adverse Inference
VIII. Recommendation

[FR Doc. 2021–09322 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

---

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–489–844]**

### Certain Aluminum Foil From the Republic of Turkey: Preliminary Negative Determination of Sales at Less Than Fair Value, Postponement of Final Determination

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain aluminum foil (aluminum foil) from the Republic of Turkey (Turkey) is not being, or is not likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable May 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3683.

**SUPPLEMENTARY INFORMATION:**

## Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). On September 29, 2020, the Aluminum Association Trade Enforcement Working Group and its individual members [1] (collectively, the petitioners) requested the imposition of antidumping and countervailing duties on aluminum foil from five countries.[2] Commerce initiated this LTFV investigation on October 19, 2020.[3] On February 17, 2021, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now April 27, 2021.[4]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[5] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

## Scope of the Investigation

The product covered by this investigation is aluminum foil from Turkey. For a complete description of the scope of this investigation, *see* Appendix I.

## Scope Comments

In accordance with the preamble to Commerce's regulations,[6] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[7] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[8] As discussed in the Preliminary Scope Decision Memorandum, Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice.*

The Preliminary Scope Decision Memorandum establishes the deadline to submit scope case briefs.[9] There will be no further opportunity for comments on scope-related issues.

## Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce calculated constructed export prices in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

## Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-

---

[1] The individual members of the Aluminum Association Trade Enforcement Group include Granges Americas Inc, JW Aluminum Company, and Novelis Corporation. The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[2] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, Oman, Russia, and Turkey—Petition for the Imposition of Antidumping and Countervailing Duties,'' dated September 29, 2020.

[3] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 67711 (October 26, 2020) (*Initiation Notice*).

[4] *See Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 86 FR 9909 (February 17, 2021).

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Certain Aluminum Foil Sheet from the Republic of Turkey,'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

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

[7] *See Initiation Notice.*

[8] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Preliminary Scope Decision Memorandum,'' dated concurrently with this notice (Preliminary Scope Decision Memorandum).

[9] Case briefs, other written comments, and rebuttal briefs submitted by parties in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum, and ''Public Comment'' section of this notice.

average dumping margin exists in this investigation: [10]

| Exporter or producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Assan Aluminyum Sanayi ve Ticaret A.S.; Kibar Dis Ticaret A.S.; and Ispak Esnek Ambalaj Sanayi A.S ..... | 0.00 |

Commerce preliminarily determines that the Assan Single Entity has not made sales of aluminum foil at LTFV. Further, because the Assan Single Entity, which includes the two companies which were selected for examination as mandatory respondents in this investigation, is the only party for which an estimated weighted-average dumping margin has been calculated for this preliminary determination, Commerce preliminarily determines that aluminum foil from Turkey has not been sold in the United States at LTFV during the POI, and Commerce is publishing this notice of a negative preliminary determination.

Consistent with section 733(d) of the Act, Commerce has not calculated an estimated weighted-average dumping margin for all other producers and exporters because it has not made an affirmative preliminary determination of sales at LTFV.

## Suspension of Liquidation

Because Commerce has made a negative preliminary determination of sales at LTFV with regard to subject merchandise, Commerce will not direct U.S. Customs and Border Protection to suspend liquidation or to require a cash deposit of estimated antidumping duties for entries of aluminum foil from Turkey.

## Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

## Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an onsite examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

## Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

## Postponement of Final Determination

Section 735(a)(2)(B) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. On April 15, 2021, pursuant to 19 CFR 351.210(e), the petitioners [13] requested that Commerce postpone the final determination in the event of a negative preliminary determination.[14] In accordance with section 735(a)(2)(B) of the Act, because the preliminary determination is negative, and the petitioners have requested the postponement of the final determination, Commerce is postponing the final determination. Accordingly, Commerce will make its final determination by no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

## International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If Commerce's final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of aluminum foil from Turkey are materially injuring, or threaten material injury to, the U.S. industry.

## Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: April 27, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix I—Scope of the Investigation

The merchandise covered by this investigation is aluminum foil having a

[10] Commerce preliminarily determines that Assan Aluminyum Sanayi ve Ticaret A.S. (Assan), Kibar Dis Ticaret A.S. (Kibar Dis), and Ispak Esnek Ambalaj Sanayi A.S. are a single entity (collectively, Assan Single Entity). *See* Preliminary Decision Memorandum; *see also* Memorandum ''Less-Than-Fair-Value Investigation of Certain Aluminum Foil from the Republic of Turkey: Collapsing and Single Entity Treatment,'' dated concurrently with this notice.

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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

[13] The Aluminum Association Trade Enforcement Working Group and its individual members, Gränges Americas Inc., JW Aluminum Company, and Novelis Corporation (collectively, the petitioners). The petitioners indicated that Novelis Corporation acquired Aleris Corporation (including all of Aleris' aluminum foil-related operations), effective April 14, 2020.

[14] *See* Petitioners' Letter, ''Certain Aluminum Foil from Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey—Petitioners' Request for Postponement of Final Antidumping Determinations,'' dated April 15, 2021.

thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this investigation is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as *etc*hed capacitor foil and aluminum foil that is cut to shape. 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 forth above. The products under investigation are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6090, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000.

Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3091, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of Investigation
V. Scope Comments
VI. Respondent Selection
VII. Affiliation and Single Entity Treatment
VIII. Discussion of the Methodology
IX. Currency Conversion
X. Recommendation

[FR Doc. 2021–09323 Filed 5–3–21; 8:45 am]

**BILLING CODE 3510–DS–P**

---

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**RIN 0648–XB051**

## Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice; issuance of an Endangered Species Act (ESA) Section 10(a)(1)(B) Incidental Take Permit and Availability of a Final Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Placer County Conservation Program.

**SUMMARY:** Notice is hereby given that NMFS has adopted U.S. Fish & Wildlife Service's (USFWS) *Placer County Conservation Program Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR),* issued a ROD, and prepared an Incidental Take Permit (ITP) (No. 25641) for the incidental take of California Central Valley (CCV) steelhead (*Oncorhynchus mykiss*) and Central Valley (CV) fall and late fall-run Chinook salmon (*O. tshawytscha*) associated with the proposed Placer County Conservation Program (PCCP). The PCCP was prepared by the local agencies that will become permittees (Placer County, City of Lincoln, South Placer Regional Transportation Authority, Placer County Water Agency, and Placer Conservation Authority) and describes Covered Activities and conservation activities in Placer County. The permit is issued for a duration of 50 years.

**ADDRESSES:** The incidental take permit, final environmental impact statement, and other related documents are available on the NMFS West Coast Region website at: *https://www.fisheries.noaa.gov/resource/document/placer-county-conservation-program-biological-opinion.* The Final EIS and ROD are available at *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/esa-section-10-habitat-conservation-nepa-documents.*

**FOR FURTHER INFORMATION CONTACT:** Neal McIntosh, Sacramento, CA, at phone number: (916) 930–5647, or via email: *Neal.McIntosh@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

### ESA-Listed Species & Species of Concern Covered in This Notice

CCV steelhead (*Oncorhynchus mykiss*)
CV fall/late fall-run Chinook salmon (*O. tshawytscha*)

### Background

The permittees are seeking coverage under Section 10(a)(1)(B) of the ESA for the implementation of the PCCP in Placer County in California's Central Valley. Western Placer County streams serve as an important source of water for fish, agriculture, and municipal uses in Placer County. These streams also provide valuable habitat, including critical habitat and essential fish habitat, for CCV steelhead and Chinook salmon. Implementation of the Covered Activities described in the PCCP may result in impacts to listed species and species of concern and their habitat within Placer County. Therefore, the permittees are required to work collaboratively with NMFS to minimize these impacts through implementation of the PCCP upon issuance of the Section 10(a)(1)(B) Permit.

On June 21, 2019, USFWS published a notice of availability of a draft joint HCP/NCCP and draft EIS/EIR for this project to the **Federal Register** for public comment and review with a 60-day public comment period (84 FR 29224). USFWS published a final EIS to the **Federal Register** on May 22, 2020, with a 30-day public comment period (85 FR 31203). On December 2, 2020, consultation was initiated with NMFS for the issuance of an ITP for the PCCP. USFWS received several comments, and these comments were addressed as changes to the Final EIS/EIR or as a response in the Final EIS/EIR appendix. On March 12, 2021, NMFS notified the EPA of its adoption of USFWS's EIS/EIR, EPA published the notice of adoption on March 19, 2021. The requested permit has been issued under the authority of the ESA of 1973. This permit authorizes the incidental take of listed species as set forth in the PCCP and the ITP for a 50-year period.

### Conservation Plan

Section 10 of the ESA specifies that no permit may be issued unless an applicant submits an adequate conservation plan. The PCCP utilizes a combination of conservation measures that are expected to minimize and mitigate the impacts of take of the anadromous species addressed in the PCCP. The PCCP includes an administrative framework that supports the development, implementation, and refinement of the minimization and mitigation measures. The PCCP also includes a variety of protection measures designed to restore and maintain riverine, riparian, and upslope processes that create, restore, and maintain aquatic habitat. The PCCP's Conservation Strategy includes four main components: (1) Establishment of a reserve system of interconnected blocks of land (reserve system), (2) Stream protection, enhancement, and avoidance, (3) Wetland conservation and no overall net loss of wetland functions and services, and (4) Avoidance and minimization measures.

Chapter 7 of the PCCP describes the monitoring and adaptive management framework for the PCCP. The framework will guide the development of a comprehensive monitoring program, which will be developed during the first five years of the PCCP implementation

and as individual parcels are acquired for the reserve system. The framework and final monitoring program are intended to verify take is not being exceeded, ensure compliance with PCCP requirements, assess the status of Covered Species and natural communities within the reserve system, evaluate the effects of management actions, and assess whether the PCCP's biological goals and objectives are being achieved.

There are three main sources of funding for the PCCP: Plan development fees (includes land conversion fee, special habitat fees, and temporary effects fee), local funding, and state and Federal funding. NMFS considers the PCCP's development fees as an assured source of funding because Placer County and the City of Lincoln will adopt ordinances to implement the fees described in the habitat conservation plan.

**Permit 25641**

NMFS authorizes the following lethal incidental takes of *CCV steelhead (threatened)* and *CV fall- and late fall-run Chinook salmon (unlisted)*:

- Trapping and handling for research and monitoring: 5 CCV steelhead juveniles and 10 Chinook salmon per year;
- Fish capture and relocation: less than 3% incident mortality;
- Responses that result from habitat disturbance (*i.e.,* contaminants, turbidity, construction disturbance, acoustic impacts, disturbance to riparian and riverine habitat; take measured via surrogate of permanent physical disturbance): 655 acres or temporary disturbance of 165 acres of combined riparian/riverine habitat; and
- Take of fish or eggs from other activities (measures via surrogate trail acreage): Approximately 50 acres of trails.

To ensure that the mitigation and minimization strategies are effective, the PCCP incorporates a variety of monitoring, research, and reporting components that will provide feedback for use by adaptive management provisions. Based on this information, adjustments can be made to the conservation management activities set forth in chapter 5 of the PCCP.

Take authorization will become effective for the currently unlisted species covered by this permit concurrent with the listing of those species under the ESA.

**Authority**

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The ESA defines ''take'' to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Dated: April 28, 2021.

**Margaret H. Miller,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2021–09297 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XB057]**

### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish (MSB) Monitoring Committee will meet via webinar to develop recommendations for MSB specifications.

**DATES:** The meeting will be held on Wednesday, May 19, 2021, from 1 p.m. to 5 p.m.

**ADDRESSES:** The meeting will be held via webinar. Details on the proposed agenda, connection information, and briefing materials will be posted via the MAFMC website calendar at: *www.mafmc.org.*

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

**SUPPLEMENTARY INFORMATION:** The MSB Monitoring Committee will develop recommendations for future MSB specifications, focusing on the butterfish, longfin squid, and *Illex* squid fisheries.

**Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Collins at (302) 526–5253, at least 5 days prior to any meeting date.

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

Dated: April 29, 2021.

**Tracey L. Thompson,**

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

[FR Doc. 2021–09334 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XB047]**

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Navy Target and Missile Launch Activities on San Nicolas Island

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

**ACTION:** Notice; proposed issuance of an incidental harassment authorization; request for comments.

**SUMMARY:** NMFS received a request from the U.S. Navy (Navy) for an incidental harassment authorization (IHA) to incidentally take marine mammals, by Level B harassment only, during target and missile launch activities on San Nicolas Island (SNI). The Navy is requesting, and NMFS is proposing to issue, an IHA authorizing incidental take of marine mammals during continuation of target and missile launch activities identical to those already analyzed in a 2019 IHA issued on June 12, 2019 and a currently active Renewal IHA issued on June 19, 2020, which expires on June 11, 2021. The proposed mitigation, monitoring, and reporting measures remain the same as prescribed in the previous IHAs. This IHA would be effective from June 12, 2021 through June 11, 2022. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities. 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 notification of our decision. The Navy's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA).

**DATES:** Comments and information must be received no later than June 3, 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.egger@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. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://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:** Stephanie Egger, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), 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 such 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 such takings are set forth.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The activity for which incidental take of marine mammals is being requested addressed here qualifies as a military readiness activity.

## 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 we 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.

We will review all comments submitted in response to this notification prior to concluding our NEPA process or making a final decision on the IHA request.

## History of Request

On March 1, 2021, NMFS received an adequate and complete application from the Navy, requesting the take of marine mammals incidental to target and missile launch activities on SNI. NMFS previously issued an IHA for this activity on June 12, 2019 (84 FR 28462; June 19, 2019) as well as a Renewal IHA on June 19, 2020 (85 FR 38863; June 29, 2020). The activities for which incidental take is requested are identical to those covered under the previous IHAs.

Navy complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous authorizations and information regarding their monitoring results may be found in the Potential Effects of Specified Activity on Marine Mammals and their Habitat and Estimated Take section of the previous authorization (84 FR 28462; June 19, 2019) as well *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities#active-authorizations.* This proposed IHA would cover one year of an on-going activity for which Navy obtained prior authorizations, specifically continuation of target and missile launches on SNI. Of note, the Navy also submitted a revised and complete application on August 28, 2020 for a 7-year rulemaking and Letter of Authorization (LOA) for the same target and missile launch activities on SNI, as well as other Navy testing and training activities in the same area. On September 4, 2020, NMFS published a notice of receipt of application in the **Federal Register** (85 FR 55257) requesting comments and information related to the Navy's request. However, NMFS is unable to make determinations regarding the requested LOA prior to the expiration of the currently active Renewal IHA, which would leave a lapse in coverage for the Navy for target and missile launch activities on SNI after it expires on June 11, 2021. This IHA is intended to provide coverage during this period and would be valid for one year from issuance.

## Description of the Proposed Activity and Anticipated Impacts

The Navy proposes to continue a target and missile launch program on SNI, located in Southern California and part of the Channel Islands, which is identical to the program covered under the previous authorizations. The Navy has been conducting this program since 2001, which supports testing and

training activities associated with operations on the Point Mugu Sea Range (PMSR). The PMSR is used by the U.S. and allied military services to test and evaluate sea, land, and air weapon systems; to provide realistic training opportunities; and to maintain operational readiness of these forces. Missiles vary from tactical and developmental weapons to target missiles used to test defensive strategies and other weapons systems. Some launch events involve a single missile, while others involve the launch of multiple missiles in quick succession and are launched from two launch sites on SNI. As before, the Navy proposes to conduct up to 40 missile launch events from SNI, but the total may be less than 40 depending on operational requirements. Launch timing will be determined by operational, meteorological, and logistical factors. Up to 10 of the 40 launches may occur at night, but this is also dependent on operational requirements and only conducted when required by test objectives. The specified activities are expected to result in the take of three marine mammal species: California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and northern elephant seals (*Mirounga angustirostris*) by Level B harassment, primarily in the form of behavioral disturbance, as a result of the airborne noise produced during launch activities.

To support public review and comment on the IHA that NMFS is proposing to issue here, we refer the reader to the documents related to the previously issued IHAs (84 FR 28462; June 19, 2019 and 85 FR 38863; June 29, 2020) and discuss any new or changed information here. A detailed description of the proposed target and missile launch activities can be found in these documents. We also refer the reader to the Navy's current and previous applications and monitoring reports which can be found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities#active-authorizations.*

*Detailed Description of the Action*

A detailed description of the proposed target and missile launch activities is found in these previous documents. The location, timing, and nature of the activities, including the types of missiles planned for use, are identical to those described in the previous notifications.

*Description of Marine Mammals*

A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to this proposed IHA as well. In addition, NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the previous authorizations. NMFS has also reviewed the Navy's monitoring reports and they support the current take estimates and our findings. Therefore, no change in the take estimates is warranted.

*Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the previous IHAs, which remains applicable to the issuance of this proposed IHA. There is no new information on potential effects.

*Estimated Take*

A detailed description of the methods and inputs used to estimate authorized take is found in these previous documents. The methods of estimating take for the proposed IHA are identical to those used in the previous IHAs. The source levels, number of launches, and the marine mammal abundance on SNI used to calculate take remain unchanged from the previously issued IHAs. Regarding proposed authorized take, the stocks taken, types of take, and methods of taking remain unchanged from the previously issued IHAs. The same is true for the number of takes, which are indicated below in Table 1. As before, no serious injury or mortality is anticipated to result from the Navy's activity.

TABLE 1—REQUESTED TAKE AMOUNT, PER SPECIES, RELATIVE TO POPULATION SIZE

| Species | Authorized Level B harassment | Stock abundance (percent taken by Level B harassment) |
|---|---|---|
| California sea lion | 11,000 | 257,606 (4.27 percent). |
| Harbor seal | 480 | 30,968 (less than 2 percent). |
| Northern elephant seal | 40 | 179,000 (less than 1 percent). |

*Description of Proposed Mitigation, Monitoring and Reporting Measures*

The proposed mitigation, monitoring, and reporting measures proposed here are identical to those included in the previous IHAs. The discussion of the least practicable adverse impact included in that document remains accurate. All mitigation, monitoring, and reporting measures in the previous IHA are carried over to this proposed IHA and summarized below:

- *Personnel Mitigation*—Personnel will not enter pinniped haulouts. Personnel will be adjacent to pinniped haulouts below the predicted missile path for two hours prior to a launch only for monitoring purposes.
- *Launch Mitigation*—Missiles will not cross over pinniped haulouts at elevations less than 305 m (1,000 ft). Launches at night will be limited. Launches will be avoided during harbor seal pupping season (February through April) unless constrained by mission objectives. Launches will be limited during the pupping season for northern elephant seal (January through February) and California sea lion (June through July) unless constrained by mission objectives or certain other factors. It is vital that the Navy effectively executes readiness activities to ensure naval forces can effectively execute military operations.
- *Aircraft Operation Mitigation*—All aircraft and helicopter flight paths must maintain a minimum distance of 1,000 ft (305 m) from recognized seal haulouts and rookeries), except in emergencies.
- *Non-Authorized Take Prohibited*—If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes are met, the Navy must consult with NMFS before the next launch event.
- *Visual and Video Camera Monitoring*—The Navy proposes to conduct marine mammal monitoring during launches from SNI, using visual monitoring as well as simultaneous autonomous audio recording of launch

sounds and video recording of pinniped behavior. Visual monitoring, before and after launches, is a scan of the haulout beaches to count pinnipeds over a wider field of view than can be captured by a stationary video camera. This is typically done over a 15–30 minute period. Visual monitoring is conducted while the equipment is being set up and broken down for video and acoustic monitoring. Video monitoring is conducted by recording continuously from a minimum of two hours before the event to approximately one hour after the event. These video and audio records will be used to document pinniped responses to the launches.

- *Acoustic Monitoring*—Acoustical recordings will be obtained during each monitored launch. These recordings will be suitable for quantitative analysis of the levels and characteristics of the received launch sounds.
- *Reporting*—A technical report will be submitted to the NMFS' Office of Protected Resources within 90 days from the date the IHA expires. This report will provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks for launches activities at SNI that are covered under this IHA.

**Preliminary Determinations**

The Navy proposes target and missile launch activities identical to those covered in the previous IHAs. The methods of taking and effects of the action resulting in Level B harassment only remains the same as what was previously analyzed. When issuing the previous IHAs, NMFS found the Navy's target and missile launch activities would have a negligible impact to species or stocks' rates of recruitment and survival. This proposed IHA also carries over identical required mitigation, monitoring, and reporting measures as required under the previous IHAs. NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the previous IHAs. Based on the analysis in the previous IHAs, the likely effects of the specified activity on marine mammals and their habitat, as well as the previous monitoring results at SNI, NMFS likewise finds that the total marine mammal take from this proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the proposed authorized takes will have a negligible impact on the affected marine mammal species or stocks; and (3) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (4) appropriate monitoring and reporting requirements are included.

**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. No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, formal consultation under section 7 of the ESA was not required for this action.

**Proposed Authorization**

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Navy for conducting target and missile launches on SNI, effective from June 12, 2021 through June 11, 2022, 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 (included in both this document and the referenced documents supporting the previous IHAs), the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed target and missile launch activities on SNI. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: April 29, 2021.

**Catherine Marzin,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2021–09376 Filed 5–3–21; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF ENERGY

**[Case Number 2020–005; EERE–2020–BT–WAV–0022]**

## Energy Conservation Program: Notification of Petition for Waiver of Vinotemp International Corp. From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure and Notification of Grant of Interim Waiver

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notification of petition for waiver and grant of an interim waiver; request for comments.

**SUMMARY:** This document announces receipt of and publishes a petition for waiver and interim waiver from Vinotemp International Corp. (''Vinotemp''), which seeks a waiver for specified walk-in cooler refrigeration system basic models from the U.S. Department of Energy (''DOE'') test procedure used to determine the efficiency and energy consumption of walk-in coolers and walk-in freezers. DOE also gives notice of an Interim Waiver Order that requires Vinotemp to test and rate the specified walk-in cooler refrigeration system basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order, which modifies the alternate test procedure suggested by Vinotemp. DOE solicits comments, data, and information concerning Vinotemp's petition, its suggested alternate test procedure, and the alternate test procedure specified in the Interim Waiver Order so as to inform DOE's final decision on Vinotemp's waiver request.

**DATES:** The Interim Waiver Order is effective on May 4, 2021. Written comments and information are requested and will be accepted on or before June 3, 2021.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–WAV–0022, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email:* to *Vinotemp2020WAV0022@ee.doe.gov.* Include docket number EERE–2020–BT–WAV–0022 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on

submitting comments and additional information on this process, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including the Federal eRulemaking Portal, email, postal mail, or hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.*

*Docket:* The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket/EERE-2020-BT-WAV-0022.* The docket web page contains instruction on how to access all documents, including public comments, in the docket. See the **SUPPLEMENTARY INFORMATION** section for information on how to submit comments through *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Request@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:** DOE is publishing Vinotemp's petition for waiver in its entirety,[1] pursuant to 10 CFR 431.401(b)(1)(iv).[2] DOE invites all interested parties to submit in writing by June 3, 2021, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is: Mr. Alvin Patrick, *apatrick@vinotemp.com,* 732 S Racetrack Road Henderson, NV 89015.

*Submitting comments via http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

*Submitting comments via email.* Comments and documents submitted via email also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. Faxes will not be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

*Campaign form letters.* Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

*Confidential Business Information.* According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential''

[1] On December 11, 2020, DOE published an amendment to 10 CFR 431.401 regarding the processing of petitions for an interim waiver, which became effective beginning January 11, 2021. The subject petition was received prior to the effective date of that amendment and therefore is being processed pursuant to the regulation in effect at the time of receipt. References to 10 CFR 430.27 in this notification refer to the 10 CFR 431.401 in the 10 CFR parts 200 to 499 edition revised as of January 1, 2021.

[2] The petition did not identify any of the information contained therein as confidential business information.

with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

**Case Number 2020–005**

**Interim Waiver Order**

**I. Background and Authority**

The Energy Policy and Conservation Act, as amended (''EPCA''),[3] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[4] of EPCA, added by the National Energy Conservation Policy Act, Public Law 95–619, sec. 441 (Nov. 9, 1978), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve the energy efficiency for certain types of industrial equipment. Through amendments brought about by the Energy Independence and Security Act of 2007, Public Law 110–140, sec. 312 (Dec. 19, 2007), this equipment includes walk-in coolers and walk-in freezers, the subject of this Interim Waiver Order. (42 U.S.C. 6311(1)(G))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316(a); 42 U.S.C. 6299)

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of covered products and equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure used to determine the net capacity and annual walk-in energy factor (''AWEF'') of walk-in cooler and walk-in freezer refrigeration systems is contained in the Code of Federal Regulations (''CFR'') at 10 CFR part 431, subpart R, appendix C, *Uniform Test Method for the Measurement of Net Capacity and AWEF of Walk-in Cooler and Walk-in Freezer Refrigeration Systems* (''Appendix C'').

Under 10 CFR 431.401,[5] any interested person may submit a petition for waiver from DOE's test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. See 10 CFR 431.401(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the performance of the equipment type in a manner representative of its energy consumption characteristics of the basic model. See 10 CFR 431.401(b)(1)(iii). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. See 10 CFR 431.401(f)(2).

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. See 10 CFR 431.401(1). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. See 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).

**II. Vinotemp's Petition for Waiver and Application for Interim Waiver**

DOE received an email, docketed on June 29, 2020, in which Vinotemp submitted a petition for interim waiver from the test procedure for walk-in cooler and walk-in freezer refrigeration systems set forth at Appendix C (Vinotemp, No. 1).[6] By letter docketed on December 10, 2020, Vinotemp submitted a petition for waiver for certain basic models of wine cellar cooling systems to supplement their original interim waiver request (Vinotemp, No. 3). This version also explicitly stated that none of the basic models could operate below 45 °F and provided tested external static pressure values for the subject basic models. Vinotemp included additional basic models and clarified specified maximum external static pressure values (rather than tested values) for the specified basic models in an updated

[3] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[4] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

[5] On December 11, 2020, DOE amended 10 CFR 431.401 regarding the processing of petitions for an interim waiver that became effective on January 11, 2021. The subject petition was received prior to the effective date of that amendment and therefore is being processed pursuant to the regulation in effect at the time of receipt. Accordingly, all references to 10 CFR 430.27 in this notification refer to the 10 CFR 431.401 in the 10 CFR parts 200 to 499 edition revised as of January 1, 2021, prior to when the aforementioned amendments became effective.

[6] A notation in the form ''Vinotemp, No. 1'' identifies a written submission: (1) Made by Vinotemp; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE–2020–BT–WAV–0022) and available at *http://www.regulations.gov.*

petition for interim waiver, received on March 11, 2021 (Vinotemp, No. 10).

The primary assertion in the petition, absent an interim waiver, is that the prescribed test procedure would evaluate the specified basic models in a manner so unrepresentative of their true energy consumption as to provide materially inaccurate comparative data. As presented in Vinotemp's petition, the specified basic models of walk-in cooler refrigeration systems operate at a temperature range of 45–65 °F; higher than that of a typical walk-in cooler refrigeration system. Thus, the 35 °F temperature specified in the DOE test procedure for medium-temperature walk-in refrigeration systems would result in the prescribed test procedures evaluating the specified basic models in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate comparative data. Vinotemp also states that the specified basic models are ''wine cellar cooling systems'' that operate at temperature and relative humidity ranges optimized for the long-term storage of wine and are usually located in air-conditioned spaces. Vinotemp contends that because of these characteristics, wine cellar walk-in refrigeration systems differ in their walk-in box temperature setpoint, walk-in box relative humidity, low/high load split,[7] and compressor efficiency from other walk-in cooler refrigeration systems.

Vinotemp states that the specified basic models are designed to provide a cold environment at a temperature range between 45–65 °F with 50–70 percent relative humidity (''RH''), and typically are kept at 55 °F and 50–70 percent RH rather than the 35 °F and <50 percent RH test condition prescribed by the DOE test procedure. Vinotemp states that the refrigeration systems are designed solely for the purpose of long-term wine storage to mimic the temperature and humidity of natural caves. Vinotemp also asserts that wine cellars are optimized to operate within such temperature and relative humidity ranges that they cannot operate at the 35 °F air temperature condition. Although not specifically addressed in Vinotemp's request for waiver, DOE notes that operating a wine cellar at the 35 °F condition would adversely mechanically alter the intended performance of the system, which would include icing of the evaporator coil that could potentially damage the compressor, and would not result in an accurate representation of the performance of the cooling unit.

Additionally, the ''Self-contained'' and ''Self-packaged'' basic models of walk-in refrigeration systems identified in Vinotemp's waiver petition are single-package systems. Although not explicitly identified by Vinotemp, DOE recognizes that because of their single-package design, these basic models have insufficient space within the units and insufficient lengths of liquid line and evaporator outlet line for the dual mass flow meters and the dual temperature and pressure measurements required by the test procedure's refrigerant enthalpy method. AHRI 1250–2009 does not include specific provisions for testing single-package systems and testing these basic models using the refrigerant enthalpy method as required by Appendix C would require extensive additional piping to route the pipes out of the system where the components can be installed, and then to route them back in to enable the system to operate during testing.[8] This additional piping would impact unit performance, likely be inconsistent between test labs, and result in unrepresentative test values for the unit under test. AHRI has published a revised version of the test standard that provides provisions for single-package systems without requiring extensive additional piping (AHRI 1250–2020, *2020 Standard for Performance Rating of Walk-in Coolers and Freezers*). As discussed below, the interim waiver alternative test procedure presented for comment in this notification adopts the new test methods included in AHRI 1250–2020 for single-package units.

DOE has received multiple waiver and interim waiver requests from wine cellar manufacturers regarding the limitations of Appendix C. In light of these requests, DOE met with both AHRI and the wine cellar walk-in refrigeration system manufacturers to develop a consistent and representative alternate test procedure that would be relevant to each waiver request. Ultimately, AHRI sent a letter to DOE on August 18, 2020, summarizing the industry's position on several issues (''AHRI August 2020 Letter'').[9] This letter documents industry support for specific wine cellar walk-in refrigeration system test procedure requirements, allowing the provisions to apply only to refrigeration systems with a minimum operating temperature of 45 °F, since wine cellar system controls and unit design specifications prevent these walk-ins from reaching a temperature below 45 °F. A provision for testing walk-in wine cellar refrigeration systems at an external static pressure (''ESP'')[10] of 50 percent of the maximum ESP to be specified by manufacturers for each basic model (AHRI August 2020 Letter) is also included.

Vinotemp submitted an updated petition for waiver and interim waiver docketed on December 10, 2020 (Vinotemp, No. 3). The updated petition states that all basic models listed in the petition for waiver and interim waiver have a minimum operating temperature of 45 °F and provides ESP test values for specified ducted self-contained and ducted split-system basic models. At DOE's request, Vinotemp provided an updated petition for interim waiver on March 11, 2021 (Vinotemp, No. 10) that included the maximum ESP values for additional models and a statement identifying that the ESP values provided for all of the specified basic models are maximum ESP values.

Vinotemp requests an interim waiver from the existing DOE test procedure. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 431.401(e)(2).

## III. Requested Alternate Test Procedure

EPCA requires that manufacturers use the applicable DOE test procedures

[7] The DOE test procedure incorporates by reference Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') Test Standard 1250–2009, ''Standard for Performance Rating of Walk-in Coolers and Freezers'' (including Errata sheet dated December 2015) (''AHRI 1250–2009''). Section 6 of that standard defines walk-in box thermal loads as a function of refrigeration system net capacity for both high-load and low-load periods. The waiver petition asserts that wine cellars do not have distinct high and low load periods, and that the box load levels in the test standard are not representative for wine cellar refrigeration systems.

[8] In a waiver granted to Store It Cold for certain models of single-package units, DOE acknowledged a similar issue in which the additional piping necessary to install the required testing components would affect performance of the units, rendering the results unrepresentative. See 84 FR 39286 (Aug. 9, 2019). In the case of the waiver granted to Store It Cold, the refrigerant enthalpy method yielded inaccurate data for the specified basic models compared to the basic models' true performance characteristics because of the additional piping required to attach the testing components required by the refrigerant enthalpy test. The same issues are present for the specified basic Self-contained and Self-packaged single-package basic models included in Vinotemp's waiver petition.

[9] DOE's meetings with Vinotemp and other wine cellar refrigeration systems manufacturers were conducted consistent with the Department's *ex parte* meeting guidance (74 FR 52795; October 14, 2009). The AHRI August 2020 letter memorializes this communication and is provided in Docket No. EERE- 2020–BT–WAV–0022–0002.

[10] External static pressure is the sum of all the pressure resisting the fans. In this case, this is chiefly the resistance generated by the air moving through ductwork.

when making representations about the energy consumption and energy consumption costs of covered equipment. (42 U.S.C. 6314(d)). Consistency is important when making representations about the energy efficiency of products and equipment, including when demonstrating compliance with applicable DOE energy conservation standards. Pursuant to its regulations at 10 CFR 431.401, and after consideration of public comments on the petition, DOE may establish in a subsequent Decision and Order an alternate test procedure for the basic models addressed by the Interim Waiver Order.

Vinotemp seeks to use an approach that would test and rate specific wine cellar walk-in refrigeration system basic models. The company's suggested approach specifies using an air-return temperature of 55 °F, as opposed to the 35 °F requirement prescribed in the current DOE test procedure. Vinotemp also suggests using an air-return relative humidity of 55 percent, as opposed to <50 percent RH as prescribed in the current DOE test procedure. Additionally, Vinotemp suggests using a condenser air temperature of 90 °F for both indoor and outdoor systems, rather than the DOE test procedure-prescribed temperatures of 90 °F for indoor condenser systems and 95 °F for outdoor condenser systems.[11] Finally, Vinotemp requests that a correction factor of 0.55 be applied to the final AWEF calculation to account for the different usage of the specified basic models as compared to walk-in cooler refrigeration systems generally. Vinotemp cited the use of such a correction factor for coolers [12] and combination cooler refrigeration products under DOE's test procedure for miscellaneous refrigeration products at 10 CFR part 430, subpart B, appendix A.

## IV. Interim Waiver Order

DOE has reviewed Vinotemp's application, its suggested testing approach, representations of the specified basic models on the website for the Wine Mate brand, related product catalogs, and information provided by Vinotemp and other wine cellar walk-in refrigeration system manufacturers in meetings with DOE. Based on this review, DOE is granting an interim waiver that requires testing with a modified version of the testing approach suggested by Vinotemp.

The modified testing approach would apply to the models specified in Vinotemp's waiver petition that include two categories of WICF refrigeration systems, *i.e.,* single package and split (matched) systems. The ''Self-packaged'' and ''Self-contained'' systems as identified in the waiver petition are single-package systems. The basic models that are self-contained systems (''HZD'' model numbers) are designed for installation through the wall of a wine cellar, while the basic models that are ducted self-contained systems (''DS'' model numbers) are designed to be installed remotely from the wine cellar and provide cooling by circulating air through ducts from the wine cellar to the unit and back. The ''Split'' basic models as identified in the waiver petition are split (matched) systems, in which refrigerant circulates between the ''evaporator unit'' (unit cooler) portion of the unit and the ''condensing unit'' of the system. The refrigerant cools the wine cellar air in the evaporator unit, while the condensing unit rejects heat from the refrigeration system in a remote location, often outside. The evaporator unit of the ducted split systems (''SSH'' model numbers) circulates air through ducts from the wine cellar to the evaporator unit and back to provide cooling, while the evaporator unit of the ductless split systems (those with ''SSA,'' ''SSD,'' ''SSS,'' ''SSI,'' ''SSO,'' ''SSL,'' ''SSR,'' and ''SSV'' model numbers) is installed either partially or entirely in the wine cellar, allowing direct cooling. The capacity of the specified basic models ranges from 2,500 Btu/h to 12,000 Btu/h for the specified operating conditions for each of the models.[13]

DOE considers the operating temperature range of the specified basic models to be integral to its analysis of whether such models require a test procedure waiver. Grant of the interim waiver and its alternative test procedure to the specified basic models listed in the petition is based upon Vinotemp's representation that the operating range for the basic models listed in the interim waiver does not extend below 45 °F.

The alternate test procedure specified in the Interim Waiver Order requires testing the specified basic models according to Appendix C with the following changes. The required alternate test procedure specifies an air entering dry-bulb temperature of 55 °F and a relative humidity of 55 percent. The alternate test procedure also specifies that the capacity measurement for the specified basic models that are single-package systems (*i.e.,* the self-contained systems) be conducted using a primary and a secondary capacity measurement method as specified in AHRI 1250–2020, using two of the following: The indoor air enthalpy method; the outdoor air enthalpy method; the compressor calibration method; the indoor room calorimeter method; the outdoor room calorimeter method; or the balanced ambient room calorimeter method.

The required alternate test procedure also includes the following additional modifications to Vinotemp's suggested approach: For systems that can be installed with (1) ducted evaporator air, (2) with or without ducted evaporator air, (3) ducted condenser air, or (4) with or without ducted condenser air, testing would be conducted at 50 percent of the maximum ESP, consistent with the AHRI August 2020 Letter recommendations, subject to a tolerance of –0.00/+0.05 in. wc.[14] DOE understands that maximum ESP is generally not published in available literature such as installation instructions, but manufacturers do generally specify the size and maximum length of ductwork that is acceptable for any given unit in such literature. The duct specifications determine what ESP would be imposed on the unit in field operation.[15] The provision of allowable duct dimensions is more convenient for installers than maximum ESP, since it relieves the installer from having to perform duct pressure drop calculations to determine ESP. DOE independently calculated the maximum pressure drop over a range of common duct roughness values [16] using duct lengths and

[11] AHRI 1250–2009 Section 5 identifies the condenser air entering dry-bulb temperature for indoor condensing unit testing as 90 °F and for outdoor units as a series of tests at 95 °F, 59 °F, and 35 °F.

[12] A *cooler* is a cabinet, used with one or more doors, that has a source of refrigeration capable of operating on single-phase, alternating current and is capable of maintaining compartment temperatures either: (1) No lower than 39 °F (3.9 °C); or (2) In a range that extends no lower than 37 °F (2.8 °C) but at least as high as 60 °F (15.6 °C). 10 CFR 430.2.

[13] The operating condition for all specified models is 55 °F cellar temperature. All models except the HZD models specify a 90 °F condensing ambient temperature. Relative humidity for all basic models and condensing ambient temperature for the HZD basic models are not specified. An example of a specified model with capacity information based on these conditions can be found at *https://www.vinotemp.com/wine-mate-6500ssh-split-central-ducted-wine-cooling-system.*

[14] Inches of water column (''in. wc'') is a unit of pressure conventionally used for measurement of pressure differentials.

[15] The duct material, length, diameter, shape, and configuration are used to calculate the ESP generated in the duct, along with the temperature and flow rate of the air passing through the duct. The conditions during normal operation that result in a maximum ESP are used to calculate the reported maximum ESP values, which are dependent on individual unit design and represent manufacturer-recommended installation and use.

[16] Calculations were conducted over an absolute roughness range of 1.0–4.6 mm for flexible duct as defined in pages 1–2 of an OSTI Journal Article on pressure loss in flexible HVAC ducts at *https://www.osti.gov/servlets/purl/836654* (Docket No.

diameters published in Vinotemp's installation manuals.[17] DOE's calculations show reasonable agreement with the maximum ESP values provided by Vinotemp for the specified basic models. Given that the number and degree of duct bends and duct type will vary by installation, DOE found the maximum ESP values provided by Vinotemp to be sufficiently representative.

Selection of a representative ESP equal to half the maximum ESP is based on the expectation that most installations will require less than the maximum allowable duct length. In the absence of field data, DOE expects that a range of duct lengths from the minimal length to the maximum allowable length would be used; thus, DOE believes that half of the maximum ESP would be representative of most installations. For basic models with condensing or evaporator units that are not designed for the ducting of air, this design characteristic must be clearly stated.

Additionally, if there are multiple condenser or evaporator unit fan speed settings, the speed setting used would be as instructed in the unit's installation instructions. However, if the installation instructions do not specify a fan speed setting for ducted installation, systems that can be installed with ducts would be tested with the highest available fan speed. The ESP would be set for testing either by symmetrically restricting the outlet duct[18] or, if using the indoor air enthalpy method, by adjusting the airflow measurement apparatus blower.

The alternate test procedure also describes the requirements for measurement of ESP consistent with provisions provided in AHRI 1250–2020 when using the indoor air enthalpy method with unit coolers.

Additionally, the alternate test procedure indicates that specified basic models that are split systems must be tested as matched pairs. According to Vinotemp's petition, the walk-in refrigeration system basic models that are split-systems are sold as full systems (*i.e.,* matched pairs) rather than as individual unit cooler and condenser components. This Interim Waiver Order provides no direction regarding refrigerant line connection operating conditions, and as such is inapplicable to testing the basic models as individual components. Consequently, the Interim Waiver Order addresses only matched-pair testing of the specified basic models that are split-systems.

Contrary to Vinotemp's request, DOE is not modifying the condenser air entering dry bulb temperature for outdoor condensers. Vinotemp had suggested a 90 °F condenser air entering dry bulb temperature in its waiver request; however, the company did not provide technical justification for this request. The DOE test procedure currently requires a condenser air entering dry bulb temperature of 90 °F for condensing units located indoors (see Table 3, AHRI 1250–2009, ''Fixed Capacity Matched Refrigeration System, Condensing Unit located Indoors'') and condenser air entering dry bulb temperatures of 95 °F, 59 °F, and 35 °F for condensing units located outdoors (see Table 4, AHRI 1250–2009, ''Fixed Capacity Matched Refrigerator System, Condensing Unit Located Outdoors''). Vinotemp notes that wine cellars are usually located in air-conditioned spaces; however, the company's wine cellar refrigeration systems are available for both indoor and outdoor use. To ensure that the test procedure remains relevant to outdoor units, DOE has determined that outdoor wine cellar refrigeration units must be tested at 95 °F, 59 °F, and 35 °F, consistent with the current DOE test procedure.

DOE notes that, despite the request from Vinotemp, it is also not including a 0.55 correction factor in the alternate test procedure required by the Interim Waiver Order. The company had observed that the test procedure in appendix A to subpart B of 10 CFR part 430 (''Appendix A''), includes such a factor to account for the difference in use and loading patterns of coolers (*e.g.,* self-contained wine chiller cabinets) as compared to other residential refrigeration products and sought to include a factor as part of its petition. Coolers, like other residential refrigeration products, are tested in a 90 °F room without door openings (section 2.1.1 of Appendix A). The intent of the energy test procedure for residential refrigeration products is to simulate operation in typical room conditions (72 °F) with door openings by testing at 90 °F ambient temperature without door openings. 10 CFR 430.23(ff)(7). In section 5.2.1.1 of Appendix A, a correction factor of 0.55 is applied to the measured energy consumption of coolers so that measuring energy consumption at 90 °F ambient temperature without door openings provides test results that are representative of consumer usage at 72 °F ambient temperature with door openings. Specifically, the 0.55 correction factor reflects that (1) closed-door operation of self-contained coolers in typical 72 °F room conditions results in an average energy consumption 0.46 times the value measured at the 90 °F ambient temperature specified by the test procedure; and (2) expected door openings of a self-contained wine chiller would add an additional 20% thermal load. Multiplying 0.46 by 1.2 results in the overall correction factor of 0.55. See 81 FR 46768, 46782 (July 18, 2016) (final rule for miscellaneous refrigeration products).

In contrast, these same closed-door conditions on which the miscellaneous refrigeration correction factor is based are not present in the test procedure for walk-in cooler refrigeration systems. The WICF test procedure does not provide for closed-door testing at elevated ambient temperatures as the test procedure for residential refrigeration products does because walk-ins are tested and rated by component, with a walk-in refrigeration system tested and rated separately from a walk-in enclosure (panels and doors). See 76 FR 21580 (April 15, 2011). Walk-in refrigeration load is set by using a representative ratio of box load to capacity (see discussion below). As a result, applying the 0.55 correction factor as suggested by Vinotemp is not appropriate for the specified basic models.

Further, Vinotemp asserted that the suggested 0.55 correction factor was to address the differences in average usage of the specified basic models as compared to walk-in cooler refrigeration systems more generally. AHRI 1250–2009 accounts for percent run time in the AWEF calculation by setting walk-in box load equal to specific fractions of refrigeration system net capacity—the fractions are defined based on whether the refrigeration system is for cooler or freezer applications, and whether it is designed for indoor or outdoor installation (see sections 6.2 (applicable to coolers) and 6.3 (applicable to freezers) of AHRI 1250–2009). The alternate test procedure provided by this interim waiver requires calculating AWEF based on setting the walk-in box load equal to half of the refrigeration system net capacity, without variation according to high and low load periods and without variation with outdoor air temperature for outdoor refrigeration systems. Setting the walk-in box load equal to half the refrigeration system net capacity results in a refrigeration system run time fraction slightly above 50 percent, which is in the range suggested

EERE–2020–BT–WAV–0022–0005) and available at *http://www.regulations.gov.*

[17] Duct lengths and diameters can be found in Vinotemp's installation manuals at *http://www.regulations.gov* Docket No. EERE–2020–BT–WAV–0022–0006, Docket No. EERE–2020–BT–WAV–0022–0007, and Docket No. EERE–2020–BT–WAV–0022–0008.

[18] This approach is used for testing of furnace fans, as described in Section 8.6.1.1 of 10 CFR part 430, appendix AA to subpart B.

by Vinotemp as being representative for the specified basic models. As previously discussed, walk-in energy consumption is determined by component, with separate test procedures for walk-in refrigeration systems, doors, and panels. Section 6 of AHRI 1250–2009 provides equations for determining refrigeration box load as a function of refrigeration system capacity. Using these equations with an assumed load factor of 50 percent maintains consistency with Appendix C while providing an appropriate load fraction for wine cellar refrigeration systems. Accordingly, DOE has declined to adopt a correction factor for the equipment at issue.

Based on DOE's review of Vinotemp's petition, the required alternate test procedure laid out in the Interim Waiver Order appears to allow for the accurate measurement of energy efficiency of the specified basic models, while alleviating the testing issues associated with Vinotemp's implementation of wine cellar walk-in refrigeration system testing for these basic models. Consequently, DOE has determined that Vinotemp's petition for waiver will likely be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Vinotemp immediate relief pending a determination of the petition for waiver.

For the reasons stated, it is *Ordered* that:

(1) Vinotemp International Corp. must test and rate the following Wine Mate-branded wine cellar walk-in refrigeration system basic models with the alternate test procedure set forth in paragraph (2).

VINOTEMP BASIC MODELS

| Brand name | Configuration | Basic model No. |
|---|---|---|
| Wine Mate | Single-Packaged | WM–2500HZD. |
| Wine Mate | Single-Packaged | WM–4500HZD. |
| Wine Mate | Single-Packaged | WM–6500HZD. |
| Wine Mate | Single-Packaged | WM–8500HZD. |
| Wine Mate | Single-Packaged | WM–4510HZD. |
| Wine Mate | Single-Packaged | WM–6510HZD. |
| Wine Mate | Single-Packaged | WM–8510HZD. |
| Wine Mate | Single-Packaged | WM–4500DS. |
| Wine Mate | Single-Packaged | WM–6500DS. |
| Wine Mate | Single-Packaged | WM–8500DS. |
| Wine Mate | Single-Packaged | WM–12030DS. |
| Wine Mate | Matched | WM–2500SSA. |
| Wine Mate | Matched | WM–2500SSD. |
| Wine Mate | Matched | WM–2500SSH. |
| Wine Mate | Matched | WM–2500SSL. |
| Wine Mate | Matched | WM–2500SSI. |
| Wine Mate | Matched | WM–2500SSO. |
| Wine Mate | Matched | WM–2500SSR. |
| Wine Mate | Matched | WM–2500SSV. |
| Wine Mate | Matched | WM–2500SSW. |
| Wine Mate | Matched | WM–4500SSA. |
| Wine Mate | Matched | WM–4500SSD. |
| Wine Mate | Matched | WM–4500SSH. |
| Wine Mate | Matched | WM–4500SSL. |
| Wine Mate | Matched | WM–4500SSI. |
| Wine Mate | Matched | WM–4500SSO. |
| Wine Mate | Matched | WM–4500SSR. |
| Wine Mate | Matched | WM–4500SSS. |
| Wine Mate | Matched | WM–4500SSV. |
| Wine Mate | Matched | WM–4500SSW. |
| Wine Mate | Matched | WM–6500SSA. |
| Wine Mate | Matched | WM–6500SSD. |
| Wine Mate | Matched | WM–6500SSH. |
| Wine Mate | Matched | WM–6500SSL. |
| Wine Mate | Matched | WM–6500SSR. |
| Wine Mate | Matched | WM–6500SSV. |
| Wine Mate | Matched | WM–8500SSA. |
| Wine Mate | Matched | WM–8500SSD. |
| Wine Mate | Matched | WM–8500SSH. |
| Wine Mate | Matched | WM–8500SSL. |
| Wine Mate | Matched | WM–8500SSS. |
| Wine Mate | Matched | WM–12000SSA. |
| Wine Mate | Matched | WM–12000SSD. |
| Wine Mate | Matched | WM–12000SSH. |
| Wine Mate | Matched | WM–12000SSS. |

(2) The alternate test procedure for the Vinotemp basic models identified in paragraph (1) of this Interim Waiver Order is the test procedure for Walk-in Cooler Refrigeration Systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C (''Appendix C to Subpart R''), except as detailed below. All other requirements of Appendix C to Subpart R, and DOE's regulations remain applicable.

In Appendix C to Subpart R, revise section 3.1.1 (which specifies modifications to AHRI 1250–2009 (incorporated by reference; see § 431.303)) to read:

3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have an accuracy of ±0.5 °F for unit cooler in/out. Measurements used to determine temperature or water vapor content of the air (*i.e.* wet bulb or dew point) shall be accurate to within ±0.25 °F; all other temperature measurements shall be accurate to within ±1.0 °F.

In Appendix C to Subpart R, revise section 3.1.4 (which specifies modifications to AHRI 1250–2009) and add modifications of AHRI 1250–2009 Tables 3 and 4 to read:

3.1.4. In Tables 3 and 4 of AHRI 1250–2009, Section 5, the Condenser Air Entering Wet-Bulb Temperature requirement applies only to single-packaged dedicated systems. Tables 3 and 4 shall be modified to read:

TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOOR

| Test description | Unit cooler air entering dry-bulb, °F | Unit cooler air entering relative humidity, % [1] | Condenser air entering dry-bulb, °F | Maximum condenser air entering wet-bulb, °F | Compressor status | Test objective |
|---|---|---|---|---|---|---|
| Evaporator Fan Power .. | 55 | 55 | ..... | ..... | ..... | Measure fan input wattage.[2] |
| Refrigeration Capacity .. | 55 | 55 | 90 | [3] 65 | Compressor On .... | Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition. |

**Notes:**
1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.
2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.
3. Maximum allowable value for Single-Packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOOR

| Test description | Unit cooler air entering dry-bulb, °F | Unit cooler air entering relative humidity, % [1] | Condenser air entering dry-bulb, °F | Maximum condenser air entering wet-bulb, °F | Compressor status | Test objective |
|---|---|---|---|---|---|---|
| Evaporator Fan Power .. | 55 | 55 | ..... | ..... | ..... | Measure fan input wattage.[2] |
| Refrigeration Capacity A | 55 | 55 | 95 | [3] 68 | Compressor On .... | Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition. |
| Refrigeration Capacity B | 55 | 55 | 59 | [3] 46 | Compressor On .... | Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition. |
| Refrigeration Capacity C | 55 | 55 | 35 | [3] 29 | Compressor On .... | Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition. |

**Notes:**
1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.
2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.
3. Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

In Appendix C to Subpart R, following section 3.2.5 (instructions regarding modifications to AHRI 1250–2009), add sections 3.2.6 and 3.2.7 to read:

3.2.6 The purpose in section C1 of appendix C is modified by extending it to include Single-Packaged Dedicated Systems.

3.2.7 For general test conditions and data recording (appendix C, section C7), the test acceptance criteria in Table 2 and the data to be recorded in Table C2 apply to the Dual Instrumentation and Calibrated Box methods of test.

In Appendix C to Subpart R, revise section 3.3 to read:

3.3. *Matched systems, single-packaged dedicated systems, and unit coolers tested alone:* Test any split system wine cellar walk-in refrigeration system as a matched pair. Any condensing unit or unit cooler component must be matched with a corresponding counterpart for testing. Use the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the following modifications:

* * * * *

In Appendix C to Subpart R, revise sections 3.3.3 through 3.3.3.2 to read:

3.3.3 *Evaporator fan power.*

3.3.3.1 The unit cooler fan power consumption shall be measured in accordance with the requirements in Section C3.5 of AHRI 1250–2009. This measurement shall be made with the fan operating at full speed, either measuring unit cooler or total system power input upon the completion of the steady state test when the compressors and condenser fan of the walk-in system is turned off, or by submetered measurement of the evaporator fan power during the steady state test.

Section C3.5 of AHRI 1250–2009 is revised to read:

*Unit Cooler Fan Power Measurement.* The following shall be measured and recorded during a fan power test.

$EF_{comp,on}$ Total electrical power input to fan motor(s) of Unit Cooler, W
FS Fan speed (s), rpm
N Number of motors
$P_b$ Barometric pressure, in. Hg
$T_{db}$ Dry-bulb temperature of air at inlet, °F
$T_{wb}$ Wet-bulb temperature of air at inlet, °F
V Voltage of each phase, V

For a given motor winding configuration, the total power input shall be measured at the highest nameplated voltage. For three-phase power, voltage imbalance shall be no more than 2%.

3.3.3.2 Evaporator fan power for the off-cycle is equal to the on-cycle evaporator fan power with a run time of ten percent of the off-cycle time.

$EF_{comp,off} = 0.1 \times EF_{comp,on}$

In Appendix C to Subpart R, following section 3.3.7.2, add new sections 3.3.8, 3.3.9, and 3.3.10 to read:

3.3.8. Measure power and capacity of single-packaged dedicated systems as described in sections C4.1.2 and C9 of AHRI 1250–2020. The third and fourth sentences of Section C9.1.1.1 of AHRI 1250–2020 (''Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.'') shall not apply.

3.3.9. For systems with ducted evaporator air, or that can be installed with or without ducted evaporator air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure allowed by the manufacturer for system installation within a tolerance of –0.00/+0.05 in. wc. If testing with the indoor air enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting evaporator airflow take precedence over airflow values specified in manufacturer installation instructions or product literature.

3.3.10. For systems with ducted condenser air, or that can be installed with or without ducted condenser air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure allowed by the manufacturer for system installation within a tolerance of –0.00/+0.05 in. wc. If testing with the outdoor enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting condenser airflow take precedence over airflow values specified in manufacturer installation instructions or product literature. If testing using the outdoor air enthalpy method, the requirements of section 8.6 of ASHRAE 37–2009 are not applicable.

In Appendix C to Subpart R, revise section 3.3.6 (which specifies modifications to AHRI 1250–2009) to read:

3.3.6. AWEF is calculated on the basis that walk-in box load is equal to half of the system net capacity, without variation according to high and low load periods and without variation with outdoor air temperature for outdoor refrigeration systems, and the test must be done as a matched or single-package refrigeration system, as follows:

For Indoor Condensing Units:

$$\dot{BL} = 0.5 \cdot \dot{q}_{ss}(90\,^{\circ}F)$$

$$LF = \frac{\dot{BL} + 3.412 \cdot \dot{EF}_{comp,off}}{\dot{q}_{ss}(90\,^{\circ}F) + 3.412 \cdot \dot{EF}_{comp,off}}$$

$$AWEF = \frac{\dot{BL}}{\dot{E}_{ss}(90\,^{\circ}F) \cdot LF + \dot{EF}_{comp,off} \cdot (1 - LF)}$$

For Outdoor Condensing Units:

$$\dot{BL} = 0.5 \cdot \dot{q}_{ss}(95\,^{\circ}F)$$

$$LF(t_j) = \frac{\dot{BL} + 3.412 \cdot \dot{EF}_{comp,off}}{\dot{q}_{ss}(t_j) + 3.412 \cdot \dot{EF}_{comp,off}}$$

$$AWEF = \frac{\sum_{j=1}^{n} BL(t_j)}{\sum_{j=1}^{n} E(t_j)}$$

$$BL(t_j) = \dot{BL} \cdot n_j$$

$$E(t_j) = \left[\dot{E}_{ss}(t_j) \cdot LF(t_j) + \dot{EF}_{comp,off} \cdot \left(1 - LF(t_j)\right)\right] \cdot n_j$$

(3) Representations. Vinotemp may not make representations about the efficiency of a basic model listed in paragraph (1) of this Interim Waiver Order for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing.

(4) This interim waiver shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Interim Waiver Order is issued on the condition that the statements and representations provided by Vinotemp are valid. If Vinotemp makes any modifications to the controls or configurations of a basic model subject to this Interim Waiver Order, such modifications will render the waiver invalid with respect to that basic model, and Vinotemp will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for the Interim Waiver Order is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Vinotemp may request that DOE rescind or modify the Interim Waiver Order if Vinotemp discovers an error in the information provided to DOE as part of its petition, determines that the interim waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Issuance of this Interim Waiver Order does not release Vinotemp from the certification requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Vinotemp may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of Walk-in Cooler Refrigeration Systems. Alternatively, if appropriate, Vinotemp may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

## Signing Authority

This document of the Department of Energy was signed on April 28, 2021, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 29, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

## Application for Waiver of Walk-in Wine Cellar Cooling Systems

Vinotemp International Corp. is requesting for Waiver from a DOE test procedure pursuant to provisions described in 10 CFR 431.401 for the following products on the grounds that ''either the basic model contains one or more design characteristics that prevent testing of the basic model according to the prescribed test procedures or the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data.''

DOE uniform test method for the measurement of energy consumption of walk-in coolers and walk-in freezers described in 10 CFR 431.304 adopts the test standard set forth in AHRI 1250–2019. Our walk-in wine cellar cooling systems meet the definition of walk-in cooler refrigeration systems.

The design characteristics constituting the grounds for the Waiver Application:

### Self-Contained Cooling Systems for Walk-in Wine Cellars (refer to single-packaged walk-in cooler refrigeration systems in AHRI 1250–2019)

- Self-contained cooling systems are designed to provide cold environment between 45~65 °F and maintain relative humidity within the range of 50~70% for properly insulated and sized wine cellars.
- These temperature and relative humidity ranges are optimized for long term storage of wine like that in natural caves.
- These cooling systems are all-in-one ready for use and no more refrigerant piping is required in the field.
- These cooling systems are factory-built, critically charged and tested, and only require through-the wall installation on walk-in wine cellars in the field.
- These systems are available as indoor or outdoor uses with automatic off-cycle air defrost.
- Wine cellars are usually located in air-conditioned spaces.

### Split Cooling Systems for Walk-in Wine Cellars (refer to matched-pair walk-in cooler refrigeration systems in AHRI 1250–2019)

- Split cooling systems are designed to provide cold environment between 45~55 °F and maintain relative humidity range within 50~70% for properly insulated wine cellars.
- These temperature and relative humidity ranges are optimized for long term storage of wine like that in natural caves.
- These cooling systems consist of a remote condensing unit and an evaporator unit, which are connected by a liquid line and an insulated suction line.
- These systems must be charged properly with refrigerant in the field.
- These systems are available as indoor or outdoor uses with automatic off-cycle air defrost.
- Wine cellars are usually located in air-conditioned spaces.
- As opposed to utilize large compressors, large surface area coils, multiple fans, and large volumes of refrigerant, these systems employ fractional compressors and automatic expansion valves to maintain 50~70% relative humidity.

AHRI 1250–2019 defines the test conditions of walk-in cooler refrigeration systems 35 °F air temperature with <50% relative humidity. However, in fact wine cellar cooling systems are designed to supply 55 °F (45 to 65 °F) air temperature and maintain >50% (50 to 70%) relative humidity. Wine cellar cooling systems are optimized to operate within such temperature and relative humidity ranges that they can't operate at 35 °Fair temperature.

Wine cellars don't have high and low load periods, so the AWEF calculation described in 10 CFR 431.304 and AHRI 1250–2019 doesn't match the applications of wine cellar cooling systems.

The compressors used in wine cellar cooling systems are predominately fractional horsepower, which are inherently less efficient than larger compressors used in walk-in cooler refrigeration systems.

Therefore, we do not believe there is technology on the market that will provide the needed energy efficiency in wine cellar cooling systems to meet the minimum AWEF value for commercial walk-in cooler refrigeration systems set forth in 10 CFR 431.306.

None of the basic models listed can operate below 45 °F.

BASIC MODELS ON WHICH THE WAIVER IS BEING REQUESTED

| Brand name | Basic model No. |
|---|---|
| Wine Mate | Self-contained WM–2500HZD. |
| Wine Mate | Self-contained WM–4500HZD. |
| Wine Mate | Self-contained WM–6500HZD. |
| Wine Mate | Self-contained WM–8500HZD. |

BASIC MODELS ON WHICH THE WAIVER IS BEING REQUESTED—Continued

| Brand name | Basic model No. |
|---|---|
| Wine Mate | Self-contained WM–4510HZD. |
| Wine Mate | Self-contained WM–6510HZD. |
| Wine Mate | Self-contained WM–8510HZD. |
| Wine Mate | Self-packaged WM–4500DS. |
| Wine Mate | Self-packaged WM–6500DS. |
| Wine Mate | Self-packaged WM–8500DS. |
| Wine Mate | Self-packaged WM–12030DS. |
| Wine Mate | Split WM–2500SSA, WM–2500SSD, WM–2500SSH, WM–2500SSL, WM–2500SSI, WM–2500SSO, WM–2500SSR, WM–2500SSV and WM–2500SSW. |
| Wine Mate | Split WM–4500SSA, WM–4500SSD, WM–4500SSH, WM–4500SSL, WM–4500SSI, WM–4500SSO, WM–4500SSR, WM–4500 SSS, WM–4500SSV and WM–4500SSW. |
| Wine Mate | Split WM–6500SSA, WM–6500SSD, WM–6500SSH, WM–6500SSL, WM–6500SSR and WM–6500SSV. |
| Wine Mate | Split WM–8500SSA, WM–8500 SSD, WM–8500SSH, WM–8500SSL and WM–8500SSS. |
| Wine Mate | Split WM–12000 SSA, WM–12000SSD, WM–12000SSH and WM–12000SSS. |

MAXIMUM EXTERNAL STATIC PRESSURE DROP FOR SELF-CONTAINED DUCTED COOLING UNITS

| Model No. | Duct size (diameter in inches) | Maximum external static pressure drop (in-water) |
|---|---|---|
| WM–4500DS | 8 | 0.13 |
| WM–6500DS | 10 | 0.07 |
| WM–8500DS | 10 | 0.15 |
| WM–12030DS | 10 | 0.18 |
| WM–4510HZD | 8 | 0.13 |
| WM–6510HZD | 10 | 0.07 |
| WM–8510HZD | 10 | 0.15 |

MAXIMUM EXTERNAL STATIC PRESSURE DROP FOR SPLIT DUCTED COOLING UNITS

| Model No. | Duct size (diameter in inches) | Maximum external static pressure drop (in-water) |
|---|---|---|
| WM–2500SSH | 8 | 0.05 |
| WM–4500SSH | 8 | 0.13 |
| WM–6500SSH | 10 | 0.07 |
| WM–8500SSH | 10 | 0.15 |
| WM–12000SSH | 10 | 0.18 |

**Specific Requirements Sought to be Waived**

Vinotemp International is petitioning for a waiver to exempt both Self-contained and Split walk-in wine cellar cooling systems from being tested to the current test procedure. The prescribed test procedure is not appropriate for these products for the reasons stated previously.

**List of Manufacturers of All Other Basic Models Marketing in the United States and Known to the Petitioner to Incorporate Similar Design Characteristics**

Manufacturer: Vinotemp
Manufacturer: CellarPro
Manufacturer: WhisperKOOL

1—Correction factor 0.55 to calculate the AWEF to adjust for average usage (see Appendix A to Subpart B of 10 CFR part 430 for reference)

2—One load to calculate AWEF

3—Evaporator entering dry-bulb 55 °F for both Self-contained and Split cooling systems

4—Evaporator air entering relative humidity 55% for both Self-contained and Split cooling systems

5—Condenser air entering dry-bulb 90 °F for both indoor and outdoor cooling systems

**Success of the Application for Waiver**

It will ensure that manufacturers of Self-contained and Split walk-in wine cellar cooling systems can continue to participate in the market.

**What Economic Hardship and/or Competitive Disadvantage are Likely to Result Absent a Favorable Determination on the Application for Waiver**

Economic hardship will be loss of sales due to not meeting the DOE energy conservation standards set forth in 10 CFR 431.306 if the existing products were altered in order to test per current requirements set forth in 10 CFR 431.304 and AHRI 1250–2019, it would add significant cost and increase energy consumption.

**Conclusion**

Vinotemp International Corp. seeks a Waiver from DOE's current test method for the measurement of energy consumption of walk-in wine cellar Self-contained and Split cooling systems.

/s/ Alvin Patrick,
VP of Operation

[FR Doc. 2021–09337 Filed 5–3–21; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

**[Case Number 2019–010; EERE–2019–BT–WAV–0029]**

## Energy Conservation Program: Decision and Order Granting a Waiver to Air Innovations From the Department of Energy Walk-in Coolers and Walk-in Freezers Test Procedure

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notification of decision and order.

**SUMMARY:** The U.S. Department of Energy (''DOE'') gives notification of a Decision and Order (Case Number 2019–010) that grants to Air Innovations a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified walk-in wine cellar refrigeration systems. Due to the design of Air Innovations' specific basic models of walk-in wine cellar refrigeration systems, the current test procedure evaluates such models in a manner that is unrepresentative of their energy use. Air Innovations is required to test and rate the specified basic models of its walk-in cellar refrigeration systems in accordance with the alternate test procedure set forth in the Decision and Order.

**DATES:** The Decision and Order is effective on May 4, 2021. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in coolers and walk-in freezers located at title 10 of the Code of Federal Regulations (''CFR''), part 431, subpart R, appendix C that addresses the issues presented in this waiver. At such time, Air Innovations must use the relevant test procedure for this product for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *AS_Waiver_Requests@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:** In accordance with section 431.401(f)(2) of Title 10 of the Code of Federal

Regulations (''CFR'') (10 CFR 431.401(f)(2)), DOE gives notification of the issuance of its Decision and Order as set forth below. The Decision and Order grants Air Innovations a waiver from the applicable test procedure at 10 CFR part 431, subpart R, appendix C for specified basic models of walk-in cooler refrigeration systems, and provides that Air Innovations must test and rate such walk-in cooler refrigeration systems using the alternate test procedure specified in the Decision and Order. Air Innovations' representations concerning the energy efficiency of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy efficiency of these products. (42 U.S.C. 6314(d))

Consistent with 10 CFR 431.401(j), not later than July 6, 2021, any manufacturer currently distributing in commerce in the United States products employing a technology or characteristic that results in the same need for a waiver from the applicable test procedure must submit a petition for waiver. Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of those products in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 431.401. (10 CFR 431.401(j))

**Case #2019–010**

**Decision and Order**

**I. Background and Authority**

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes the U.S. Department of Energy (''DOE'') to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[2] of EPCA established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve the energy efficiency for certain types of industrial equipment. This equipment includes walk-in coolers and walk-in freezers (collectively, ''walk-ins''), the focus of this document. (42 U.S.C. 6311(1)(G))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316; 42 U.S.C. 6299).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered walk-ins. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use or estimated annual operating cost of walk-ins during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C.6314(a)(2)) The test procedure for walk-ins is set forth in the Code of Federal Regulations (''CFR'') at 10 CFR part 431, subpart R, appendix C, *Uniform Test Method for the Measurement of Net Capacity and AWEF of Walk-in Cooler and Walk-in Freezer Refrigeration Systems* (''Appendix C'').

Any interested person may submit a petition for waiver from DOE's test procedure requirements. 10 CFR 431.401(a)(1). DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.*

As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 431.401(l). As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule to that effect. *Id.* When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)((3).

**II. Air Innovations' Petition for Waiver: Assertions and Determinations**

On September 23, 2019, Air Innovations submitted a petition for an interim waiver from the DOE test procedure applicable to walk-ins set forth in Appendix C. (Air Innovations, No. 1 at p. 1[3]) The waiver process under 10 CFR 431.401 requires that a petition for interim waiver must reference the related petition for waiver. (10 CFR 431.401(b)(2)) Air Innovations confirmed in a May 21, 2020 email that the petition should also be considered as a petition for waiver. (Air Innovations, No. 4) Air Innovations stated that the specified basic models of walk-in cooler refrigeration systems are intended to operate at a temperature range of 45 to 65 °F and 50 to 70 percent relative humidity (''RH''), rather than the 35 °F with less than 50 percent RH test conditions prescribed by the test procedure for walk-in cooler applications. Air Innovations stated that the units operate at temperature and relative humidity ranges optimized for long-term storage of wine, reflecting conditions in natural caves, and that they are usually located in air-conditioned spaces. Air Innovations asserted that testing at 35 °F would be unrepresentative of the true energy consumption characteristics of the specified units and that operation at this temperature may damage the specified units. On October 19, 2020, Air Innovations submitted an updated petition for waiver and interim waiver stating that all basic models listed in the petition for waiver and interim waiver cannot be operated at a temperature less

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

[3] A notation in the form ''Air Innovations, No. 1'' identifies a written submission: (1) Made by Air Innovations; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE–2019–BT–WAV–0029) and available at *http://www.regulations.gov.*

than 45 °F and provided DOE with maximum external static pressure values for specified ducted self-contained and ducted split system basic models.[4] (Air Innovations, No. 6)

On January 12, 2021, DOE published a notification announcing its receipt of the petition for waiver and granted Air Innovations an interim waiver. 86 FR 2403 (''Notification of Petition for Waiver''). In the Notification of Petition for Waiver, DOE noted that the through-the-wall (TTW018) and ducted self-contained (D025, D050, D088, and D200) basic models of walk-in refrigeration systems identified in Air Innovations' waiver petition are single-package systems. Although not explicitly identified by Air Innovations, DOE recognized that because of their single-package design, these basic models have insufficient space within the units and insufficient lengths of liquid line and evaporator outlet line for the dual mass flow meters (*i.e.,* two independent meters) and the dual temperature and pressure measurements (*i.e.,* two independent sets of measurement equipment with separate temperature and pressure sensors) required by the test procedure's refrigerant enthalpy method. 86 FR 2403, 2405. AHRI 1250–2009 (''Standard for Performance Rating of Walk-in Coolers and Freezers'' [5])—the industry testing standard on which DOE's test procedure is based—does not include specific provisions for testing single-package systems, and testing these basic models using the refrigerant enthalpy method as required by Appendix C would require extensive additional piping to route the pipes out of the system—where the components could be installed—and then back in. This additional piping would impact unit performance, would likely be inconsistent between test labs, and would result in unrepresentative test values for the unit under test. AHRI has published a revised version of the test standard that provides provisions for single-package systems without requiring extensive additional piping (AHRI 1250–2020, *2020 Standard for Performance Rating of Walk-in Coolers and Freezers*).

In the Notification of Petition for Waiver, DOE established an alternate test procedure that was a modified version of the alternate test procedure suggested by Air Innovations. 86 FR 2403, 2406–2407. Specifically, the required alternate test procedure establishes unit cooler air inlet conditions of 55 °F and 55 percent RH, specifies primary and secondary capacity measurement methods for single-package systems, requires testing at 50 percent of maximum external static pressure for ducted units, and defines wine cellar box load and evaporator cycle periods for calculation of Annual Walk-in Energy Factor (''AWEF'') for the specified basic models of walk-in cooler refrigeration systems. *Id.* DOE solicited comments from interested parties on all aspects of the petition and the modified alternate test procedure. *Id.*

DOE received one comment, which was submitted by the Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison (collectively, ''the CA IOUs'').[6] The CA IOUs recommended that DOE consider changes to the walk-in cooler and walk-in freezer labeling requirements and to the definitions applicable to walk-in cooler refrigeration systems in order to differentiate between walk-in cooler refrigeration systems and walk-in cooler refrigeration systems that are wine cooler systems. The CA IOUs stated that the current labeling requirements would classify a wine cellar walk-in cooler as a standard walk-in cooler, despite the difference in testing requirements. The CA IOUs suggested that manufacturer materials should be required to report use of an alternate test procedure. The CA IOUs stated that otherwise, there may be confusion in the market. (CA IOUs, No 12 at pp. 1–2)

The current definition and labeling requirements for walk-in coolers do not distinguish between walk-in cooler refrigeration systems generally and walk-in cooler refrigeration systems for wine cellars. As discussed, Air Innovations stated that the subject units are unable to operate at a temperature less than 45 °F. Because of the inability to operate at lower temperatures and the specific application to wine cellars, there is unlikely to be confusion in the market between the subject units and other walk-in cooler refrigeration systems.

In addition, the CA IOUs reiterated comments that they submitted in response to a notice of proposed rulemaking regarding testing provisions for hot gas defrost in the walk-in cooler test procedure (85 FR 60724; September 28, 2020).[7] Specifically, the CA IOUs recommended that DOE address several open test procedure waivers (including those for walk-in wine cellars) and recommendations from the 2015 Appliance Standards and Rulemaking Federal Advisory Committee working group related to improving the representativeness of the test procedure.

In accordance with 10 CFR 431.401, this Decision and Order addresses the petition for waiver submitted by Air Innovations and is limited to the basic models specified in the Order. As stated, as soon as practicable after the granting of this and any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 431.401(l).

For the reasons explained here and in the Notification of Petition for Waiver, absent a waiver the basic models identified by Air Innovations in its petition cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. As noted above, the alternate test procedure prescribed in the Interim Waiver modified Air Innovations' suggested alternate test procedure by including ESP provisions for certain systems that can be installed with (1) ducted evaporator air, (2) with or without ducted evaporator air, (3) ducted condenser air, or (4) with or without ducted condenser air. For such systems, testing is conducted at 50 percent of the maximum ESP specified by the manufacturer, subject to a tolerance of –0.00/+0.05 inches of water column (''in. wc.''). (Air Innovations, No. 5).

Selection of a representative ESP equal to half the maximum ESP is based on the expectation that most installations will require less than the maximum allowable duct length. In the absence of field data, DOE expects that a range of duct lengths from the minimal length to the maximum allowable length would be used; thus, half of the maximum ESP would be representative of most installations.

Additionally, if the basic model provides multiple condenser or fan-coil (unit cooler) fan speed settings, the speed setting used is as instructed in the unit's installation instructions. However, if the installation instructions do not specify a fan speed setting for

[4] The October 19, 2020 update was consistent with a letter from the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') recommending that a 45 °F minimum temperature be used for testing wine cellar cooling systems, and that testing be conducted at an external static pressure (''ESP'') value equal to 50 percent of the maximum ESP to be specified by manufacturers for each basic model. The AHRI letter is available at Docket No. EERE-2019–BT–WAV–0029–0005. The ESP values from Air Innovations were submitted as confidential business information and are redacted from the publicly-available version of the company's submission.

[5] This also includes the related Errata sheet published by AHRI, dated December 2015.

[6] Comments available in Docket No. EERE–2019–BT–WAV–0029 at *http://www.regulations.gov.*

[7] Comments available in Docket No. EERE–2020–BT–TP–0016–0004 at *https://www.regulations.gov.*

ducted installation, systems that can be installed with ducts would be tested with the highest available fan speed. The ESP is set for testing either by symmetrically restricting the outlet duct or, if using the indoor air enthalpy method, by adjusting the airflow measurement apparatus blower.

The alternate test procedure also describes the requirements for measuring ESP consistent with the provisions provided in AHRI 1250–2020 when using the indoor air enthalpy method with unit coolers.

Additionally, the alternate test procedure requires that specified basic models that are split systems must be tested as matched pairs. According to Air Innovations' petition, the walk-in refrigeration system basic models that are split-systems are sold as full systems (*i.e.,* matched pairs) rather than as individual unit cooler and condensing unit components. This Order provides no direction regarding refrigerant line connection operating conditions, and as such is inapplicable to testing the basic models as individual components. Consequently, this Order addresses only matched-pair testing of the specified basic models that are split-systems.

For the reasons explained in the Notification of Petition for Waiver, the Order does not include a 0.55 correction factor in the alternate test procedure as suggested by Air Innovations. 86 FR 2403, 2407–2408. The company had observed that the test procedure in appendix A to subpart B of 10 CFR part 430 (''Appendix A''), which applies to miscellaneous refrigeration products, includes such a factor to account for the difference in use and loading patterns of coolers (*e.g.,* self-contained wine chiller cabinets) as compared to other residential refrigeration products, and sought to include such a factor as part of its petition. As explained in the Notice of Petition for Waiver, the closed-door conditions on which the miscellaneous refrigeration correction factor is based are not present in the test procedure for walk-in cooler refrigeration systems, and the referenced AHRI 1250–2009 provisions assume a load factor of 50 percent, consistent with Appendix C. *Id.* As a result, applying the 0.55 correction factor as suggested by Air Innovations is not appropriate for the specified basic models.

DOE is requiring that Air Innovations test and rate specified walk-in wine cellar refrigeration system basic models according to the alternate test procedure specified in this Decision and Order. This alternate procedure is a modified version of the one suggested by Air Innovations. The alternate test procedure required under this Order is the same alternate test procedure prescribed in the Interim Waiver Order.

This Decision and Order applies only to the basic models listed and does not extend to any other basic models. DOE evaluates and grants waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Air Innovations may request that DOE extend the scope of this waiver to include additional basic models that employ the same technology as those listed in this waiver. 10 CFR 431.401(g). Air Innovations may also submit another petition for waiver from the test procedure for additional basic models that employ a different technology and meet the criteria for test procedure waivers. 10 CFR 431.401(a)(1).

DOE notes that it may modify or rescind the waiver at any time upon DOE's determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Air Innovations may request that DOE rescind or modify the waiver if the company discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

As set forth previously, the test procedure specified in this Decision and Order is not the same as the test procedure offered by Air Innovations. If Air Innovations believes that the alternate test method it suggested provides representative results and is less burdensome than the test method required by this Decision and Order, Air Innovations may submit a request for modification under 10 CFR 431.401(k)(2) that addresses the concerns that DOE has specified with that procedure. Air Innovations may also submit another less burdensome alternative test procedure not expressly considered in this notification under the same provision.

## III. Order

After careful consideration of all the material that was submitted by Air Innovations, the various public-facing materials (*e.g.,* marketing materials, product specification sheets, and installation manuals) for the units identified in the petition, information provided by Air Innovations and other wine cellar walk-in refrigeration system manufacturers in meetings with DOE, and the comment received, in this matter, it is *ordered* that:

(1) Air Innovations must, as of the date of publication of this Order in the **Federal Register**, test and rate the following Air Innovations-branded wine cellar walk-in cooler refrigeration system basic models with the alternate test procedure as set forth in paragraph (2):

| Through-the-wall | Ducted self-contained | Ducted split system | Ductless split system |
|---|---|---|---|
| TTW018 | D025<br>D050<br>D088<br>D0200 | DS025<br>DS050<br>DS088<br>DS200 | SS018<br>CS025<br>CS050 |

(2) The alternate test procedure for the Air Innovations basic models listed in paragraph (1) of this Order is the test procedure for Walk-in Cooler Refrigeration Systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C, (''Appendix C to Subpart R'') with the modifications provided below. All other requirements of Appendix C and DOE's other relevant regulations remain applicable.

In Appendix C to Subpart R, revise section 3.1.1 (which specifies modifications to AHRI 1250–2009 (incorporated by reference; see § 431.303)) to read:

3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have an accuracy of ±0.5 °F for unit cooler in/out. Measurements used to determine temperature or water vapor content of the air (*i.e.,* wet bulb or dew point) shall be accurate to within ±0.25 °F; all other temperature measurements shall be accurate to within ±1.0 °F.

In Appendix C to Subpart R, revise section 3.1.4 (which specifies

modifications to AHRI 1250–2009) and add modifications of AHRI 1250–2009 Tables 3 and 4 to read:

3.1.4. In Tables 3 and 4 of AHRI 1250–2009, Section 5, the Condenser Air Entering Wet-Bulb Temperature requirement applies only to single-packaged dedicated systems. Tables 3 and 4 shall be modified to read:

TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOOR

| Test description | Unit cooler air entering dry-bulb, °F | Unit cooler air entering relative humidity, % [1] | Condenser air entering dry-bulb, °F | Maximum condenser air entering wet-bulb, °F | Compressor status | Test objective |
|---|---|---|---|---|---|---|
| Evaporator Fan Power | 55 | 55 | ..... | ..... | ..... | Measure fan input wattage.[2] |
| Refrigeration Capacity | 55 | 55 | 90 | [3] 65 | Compressor On | Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition. |

**Notes:**
1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.
2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.
3. Maximum allowable value for Single-Packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOOR

| Test description | Unit cooler air entering dry-bulb, °F | Unit cooler air entering relative humidity, % [1] | Condenser air entering dry-bulb, °F | Maximum condenser air entering wet-bulb, °F | Compressor status | Test objective |
|---|---|---|---|---|---|---|
| Evaporator Fan Power | 55 | 55 | ..... | ..... | ..... | Measure fan input wattage [2]. |
| Refrigeration Capacity A | 55 | 55 | 95 | [3] 68 | Compressor On | Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition. |
| Refrigeration Capacity B | 55 | 55 | 59 | [3] 46 | Compressor On | Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition. |
| Refrigeration Capacity C | 55 | 55 | 35 | [3] 29 | Compressor On | Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition. |

**Notes:**
1. The test condition tolerance (maximum permissible variation of the average value of the measurement from the specified test condition) for relative humidity is 3%.
2. Measure fan input wattage either by measuring total system power when the compressor and condenser are turned off or by separately submetering the evaporator fan.
3. Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

In Appendix C to Subpart R, following section 3.2.5 (instructions regarding modifications to AHRI 1250–2009), add sections 3.2.6 and 3.2.7 to read:

3.2.6 The purpose in section C1 of appendix C is modified by extending it to include Single-Packaged Dedicated Systems.

3.2.7 For general test conditions and data recording (appendix C, section C7), the test acceptance criteria in Table 2 and the data to be recorded in Table C2 apply to the Dual Instrumentation and Calibrated Box methods of test.

In Appendix C to Subpart R, revise section 3.3 to read:

3.3. *Matched systems, single-packaged dedicated systems, and unit coolers tested alone:* Test any split system wine cellar walk-in refrigeration system as a matched pair. Any condensing unit or unit cooler component must be matched with a corresponding counterpart for testing. Use the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the following modifications:

* * * * *

In Appendix C to Subpart R, revise sections 3.3.3 through 3.3.3.2 to read:

3.3.3 *Evaporator fan power.*

3.3.3.1 The unit cooler fan power consumption shall be measured in accordance with the requirements in Section C3.5 of AHRI 1250–2009. This measurement shall be made with the fan operating at full speed, either measuring unit cooler or total system power input upon the completion of the steady state test when the compressors and condenser fan of the walk-in system is turned off, or by submetered measurement of the evaporator fan power during the steady state test.

Section C3.5 of AHRI 1250–2009 is revised to read:

*Unit Cooler Fan Power Measurement.* The following shall be measured and recorded during a fan power test.

$EF_{comp,on}$ Total electrical power input to fan motor(s) of Unit Cooler, W

FS Fan speed (s), rpm

N Number of motors

$P_b$ Barometric pressure, in. Hg

$T_{db}$ Dry-bulb temperature of air at inlet, °F

$T_{wb}$ Wet-bulb temperature of air at inlet, °F

V Voltage of each phase, V

For a given motor winding configuration, the total power input shall be measured at the highest nameplated voltage. For three-phase power, voltage imbalance shall be no more than 2%.

3.3.3.2 Evaporator fan power for the off-cycle is equal to the on-cycle evaporator fan power with a run time of ten percent of the off-cycle time.

$EF_{comp,off} = 0.1 \times EF_{omp,on}$

In Appendix C to Subpart R, following section 3.3.7.2, add new sections 3.3.8, 3.3.9, and 3.3.10 to read:

3.3.8. Measure power and capacity of single-packaged dedicated systems as described in sections C4.1.2 and C9 of AHRI 1250–2020. The third and fourth sentences of Section C9.1.1.1 of AHRI 1250–2020 (''Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.'') shall not apply.

3.3.9. For systems with ducted evaporator air, or that can be installed with or without ducted evaporator air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure allowed by the manufacturer for system installation within a tolerance of −0.00/+0.05 in. wc. If testing with the indoor air enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting evaporator airflow take precedence over airflow values specified in manufacturer installation instructions or product literature.

3.3.10. For systems with ducted condenser air, or that can be installed with or without ducted condenser air: Connect ductwork on both the inlet and outlet connections and determine external static pressure as described in ASHRAE 37–2009, sections 6.4 and 6.5. Use pressure measurement instrumentation as described in ASHRAE 37–2009 section 5.3.2. Test at the fan speed specified in manufacturer installation instructions—if there is more than one fan speed setting and the installation instructions do not specify which speed to use, test at the highest speed. Conduct tests with the external static pressure equal to 50 percent of the maximum external static pressure allowed by the manufacturer for system installation within a tolerance of −0.00/+0.05 in. wc. If testing with the outdoor enthalpy method, adjust the airflow measurement apparatus fan to set the external static pressure—otherwise, set the external static pressure by symmetrically restricting the outlet of the test duct. In case of conflict, these requirements for setting condenser airflow take precedence over airflow values specified in manufacturer installation instructions or product literature. If testing using the outdoor air enthalpy method, the requirements of section 8.6 of ASHRAE 37–2009 are not applicable.

In Appendix C to Subpart R, revise section 3.3.6 (which specifies modifications to AHRI 1250–2009) to read:

3.3.6. AWEF is calculated on the basis that walk-in box load is equal to half of the system net capacity, without variation according to high and low load periods and without variation with outdoor air temperature for outdoor refrigeration systems, and the test must be done as a matched or single-package refrigeration system, as follows:

For Indoor Condensing Units:

BILLING CODE 6450–01–P

$$\dot{BL} = 0.5 \cdot \dot{q}_{ss}(90\,^{\circ}F)$$

$$LF = \frac{\dot{BL} + 3.412 \cdot \dot{EF}_{comp,off}}{\dot{q}_{ss}(90\,^{\circ}F) + 3.412 \cdot \dot{EF}_{comp,off}}$$

$$AWEF = \frac{\dot{BL}}{\dot{E}_{ss}(90\,^{\circ}F) \cdot LF + \dot{EF}_{comp,off} \cdot (1 - LF)}$$

For Outdoor Condensing Units:

$$\dot{BL} = 0.5 \cdot \dot{q}_{ss}(95\ ^{\circ}F)$$

$$LF(t_j) = \frac{\dot{BL} + 3.412 \cdot \dot{EF}_{comp,off}}{\dot{q}_{ss}(t_j) + 3.412 \cdot \dot{EF}_{comp,off}}$$

$$AWEF = \frac{\sum_{j=1}^{n} BL(t_j)}{\sum_{j=1}^{n} E(t_j)}$$

$$BL(t_j) = \dot{BL} \cdot n_j$$

$$E(t_j) = \left[\dot{E}_{ss}(t_j) \cdot LF(t_j) + \dot{EF}_{comp,off} \cdot \left(1 - LF(t_j)\right)\right] \cdot n_j$$

BILLING CODE 6450–01–C

Where:

*BL*is the non-equipment-related box load

LF is the load factor

And other symbols are as defined in AHRI 1250–2009.

(3) *Representations.* Air Innovations may not make representations about the efficiency of a basic model listed in paragraph (1) of this Order for compliance, marketing, or other purposes unless the basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing.

(4) This waiver shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Order is issued on the condition that the statements, representations, and information provided by Air Innovations are valid. If Air Innovations makes any modifications to the controls or configurations of a basic model subject to this Order, such modifications will render the waiver invalid with respect to that basic model, and Air Innovations will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, Air Innovations may request that DOE rescind or modify the waiver if Air Innovations discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) Air Innovations remains obligated to fulfill any applicable requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Air Innovations may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of Walk-in Cooler Refrigeration Systems. Alternatively, if appropriate, Air Innovations may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

**Signing Authority**

This document of the Department of Energy was signed on April 27, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 28, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021–09272 Filed 5–3–21; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PF21–1–000]**

### Venture Global CP2 LNG, LLC; Venture Global CP Express, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned CP2 LNG and CP Express Project and Notice of Public Scoping Sessions

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the CP2 LNG and CP Express Project involving construction and operation of facilities by Venture Global CP2 LNG, LLC (CP2 LNG) and Venture Global CP Express, LLC (CP Express) in Jasper and Newton Counties, Texas and Calcasieu and Cameron Parishes, Louisiana. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public interest.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result

from its action whenever it considers the issuance of an Authorization. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on May 27, 2021. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written and oral comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on February 17, 2021, you will need to file those comments in Docket No. PF21–1–000 to ensure they are considered.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, section 7(h) of the Natural Gas Act conveys the right of eminent domain to the company for the natural gas pipeline facilities. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the links to Natural Gas Questions or Landowner Topics.

**Public Participation**

There are four methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing'';

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (PF21–1–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852; or

(4) In lieu of sending written comments, the Commission invites you to attend one of the virtual public scoping sessions its staff will conduct by telephone, scheduled as follows:

**Date and Time**

Tuesday May 11, 2021, 5:00 p.m. to 7:00 p.m. CST. Call in number: 888–324–3812. Participant passcode: 9560652.

Wednesday May 12, 2021, 5:00 p.m. to 7:00 p.m. CST. Call in number: 888–324–3812. Participant passcode: 9560652.

Thursday May 13, 2021, 5:00 p.m. to 7:00 p.m. CST. Call in number: 888–324–3812. Participant passcode: 9560652.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Individual oral comments will be taken on a one-on-one basis with a court reporter present on the line. This format is designed to receive the maximum amount of oral comments, in a convenient way during the timeframe allotted, and is in response to the ongoing COVID–19 pandemic.

Each scoping session is scheduled from 5:00 p.m. to 7:00 p.m. Central Time. You may call at any time after 5:00 p.m. at which time you will be placed on mute and hold. Calls will be answered in the order they are received. Once answered, you will have the opportunity to provide your comment directly to a court reporter with FERC staff or representative present on the line. A time limit of five minutes will be implemented for each commentor.

Transcripts of all comments received during the scoping sessions will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary).

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a virtual scoping session.

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

**Summary of the Planned Project**

CP2 LNG plans to construct and operate a new 20 million tonnes per annum liquefied natural gas (LNG) export terminal in Cameron Parish, Louisiana. The LNG terminal site would be on the mainland, while the marine facilities would be constructed on Monkey Island between Calcasieu Pass and the Calcasieu Ship Channel. CP Express would also construct and operate approximately 85 miles of new 48-inch-diameter natural gas pipeline originating in Jasper County, Texas and terminating at the CP2 LNG terminal. In addition, a 6-mile-long, 24-inch-diameter lateral pipeline and 127,000 horsepower (hp) Vinton Compressor Station would be constructed in Calcasieu Parish, Louisiana. The pipeline facilities would be capable of transporting 4 billion cubic feet of natural gas per day to the LNG terminal. CP2 LNG and CP Express would construct the project in two phases; Phase 1 would consist of construction of the pipelines, 23,500 hp compression at the Vinton Compressor Station, and about half of the CP2 LNG terminal facilities. Phase 2 would consist of the remaining 103,500 hp compression at the compressor station and the remaining CP2 LNG facilities. According to CP2 LNG and CP Express, its project would transport domestically produced natural gas for liquefaction, storage, and export to overseas markets.

The CP2 LNG and CP Express Project would consist of the following facilities:

- A liquefaction plant consisting of 18 liquefaction blocks and support facilities;
- six pretreatment systems;
- four 200,000 cubic meter LNG storage tanks;
- a combined-cycle natural gas turbine power plant capable of generating 1,440 megawatts;
- two LNG loading docks;
- two marine berths capable of receiving ocean-going LNG carriers;
- a 1.2-mile-long aboveground trestle that would support two 36-inch-diameter cryogenic LNG transfer lines connecting the marine facilities on Monkey Island to the mainland LNG terminal site;
- one 85-mile-long, 48-inch-diameter natural gas pipeline;
- one 6-mile-long, 24-inch-diameter natural gas lateral pipeline;
- one new 127,000 hp compressor station near Vinton, Louisiana;
- six meter stations at interconnects with existing pipelines;
- a gas gate station within the LNG terminal site; and
- other appurtenant facilities.

The general location of the project facilities is shown in appendix 1.[1]

**Land Requirements for Construction**

Construction of the planned facilities would disturb about 547 acres of land for the LNG terminal facilities and 1,620 acres for the pipeline facilities. Following construction, CP2 LNG and CP Express would maintain about 535 acres for permanent operation of the LNG terminal and 555 acres for operation of the pipeline facilities; the remaining acreage would be restored and revert to former uses. About 44 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

**NEPA Process and the Environmental Document**

Any environmental document issued by Commission staff will discuss impacts that could occur as a result of the construction and operation of the planned project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- socioeconomics;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff have identified several issues that deserve attention based on a preliminary review of the planned facilities and the environmental information provided by CP2 LNG and CP Express. This preliminary list of issues may change based on your comments and our analysis.

Commission staff will also evaluate reasonable alternatives to the planned project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the environmental document.

If a formal application is filed, Commission staff will then determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the environmental issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its determination on the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued once an application is filed, which will open an additional public comment period. Staff will then prepare a draft EIS that will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS, and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary[2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. 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 TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.8.

comments provided under the *Public Participation* section of this notice. Currently, the U.S. Department of Energy and the National Ocean Atmospheric Administration have expressed their intention to participate as cooperating agencies in the preparation of the environmental document to satisfy its NEPA responsibilities related to this project. The U.S. Coast Guard and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration would also participate as cooperating agencies.

**Consultation Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Offices, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

**Environmental Mailing List**

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number PF21–1–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

*OR*

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

**Becoming an Intervenor**

Once CP2 LNG and CP Express file their applications with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/resources/guides/how-to.asp.* Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public notice that establishes an intervention deadline.

**Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: April 27, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09342 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 15109–000]**

### Turnagain Arm Tidal Energy Corp.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 13, 2021, the Turnagain Arm Tidal Energy Corp filed an amended application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the proposed Turnagain Arm Tidal Electric Generation Project (TATEG) No. 15109–000, to be located on Turnagain Arm and adjacent lands of the Municipality of Anchorage and the Kenai Peninsula Borough. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) Six 0.5-mile-long, 300-foot-wide tidal power stations, with five stations containing 40, 10-megawatt (MW) tidal-to-electrical energy generating units and one station containing 42, 10–MW tidal-to-electrical energy generating units for a total installed capacity of 2,420 MW; (2) a transmission network consisting of 29.81 miles of undersea transmission lines connecting the six power stations and coming onshore at Point Campbell in Anchorage and near Possession Point on Kenai Peninsula Borough land; (3) a 7.5-mile-long, aboveground transmission line extending from Point Campbell through South Anchorage to a control building and step-up facility in South Anchorage; (4) a 2.91-mile-long, 230-kilovolt (kV) aboveground transmission line extending from the Anchorage control building to a 40,000-square-foot industrial battery array with

a storage capacity of 300 MW and then to the Chugach Electric Association substation in Anchorage; (5) a 0.2-mile-long, 230 kV aboveground transmission line extending from the control building to a 200,000-square-foot hydrogen electrolysis plant and storage yard located in South Anchorage with a processing capacity of up to 1.21-Gigawatts (GW); (6) a 34.8-mile-long, aboveground transmission line following an existing right-of-way extending from Possession Point to a control building and step-up facility in Nikiski; (7) a 2.75-mile-long, 230 kV aboveground transmission line extending from the Nikiski control building to the Homer Electric Association substation; and (8) appurtenant facilities. The proposed project would have an estimated average annual generation of 10,599,500 megawatt-hours.

*Applicant Contact:* Christopher D.L. Lee, 821 North St., Suite 207, Anchorage, Alaska, 99501; phone: (504) 875–8223; email: *chrisdlee1@icloud.com*.

*FERC Contact:* Kristen Sinclair; phone: (202) 502–6587; email: *kristen.sinclair@ferc.gov*.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15109–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–15109) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09355 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2952–072]**

### City of Idaho Falls; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Acceleration of License Term.

b. *Project No:* 2952–072.

c. *Date Filed:* August 12, 2020.

d. *Applicant:* City of Idaho Falls.

e. *Name of Project:* Gem State Hydroelectric Project.

f. *Location:* The project is located on the Snake River in Bonneville and Bingham Counties, Idaho and occupies federal lands administered by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Richard Malloy, Compliance Manager, Idaho Falls Power, 140 S. Capital Avenue, Idaho Falls, ID 83402, (208) 612–8428, *rmalloy@ifpower.org*.

i. *FERC Contact:* Ashish Desai, (202) 502–8370, *Ashish.Desai@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* May 28, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–2952–072. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The City of Idaho Falls, licensee for the Gem State Project No. 2952, filed a request with the Commission to accelerate the term of the 50-year license for the project, currently expiring on November 30, 2033. The licensee requests that expiration of the project license be accelerated to January 31, 2029 to align its expiration date with that of the licensee's Idaho Falls Project No. 2842, located immediately upstream on the Snake River. The licensee states that aligning the expiration dates for the two projects would decrease relicensing costs, increase efficiency of the relicensing process, and allow stakeholders to comprehensively analyze the projects' effects simultaneously.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may

obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09346 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP21–751–000]**

### ConocoPhillips Company, Direct Energy Business Marketing, LLC, Exelon Corporation, NextEra Energy Marketing, LLC v. Panhandle Eastern Pipe Line Company, LP; Notice of Complaint

Take notice that on April 23, 2021, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d (2018), and Rule 206 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2021), ConocoPhillips Company, Direct Energy Business Marketing, LLC, Exelon Corporation, and NextEra Energy Marketing, LLC (Complainants) filed a formal complaint against Panhandle Eastern Pipe Line Company, LP (Respondent), alleging that Respondent's failure to waive operational flow order penalties incurred after February 15, 2021 is unduly discriminatory, inconsistent with Commission policy and precedent, and inconsistent with Respondent's tariff, all as more fully explained in the complaint.

The Complainants certify that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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.

*Comment Date:* 5:00 p.m. Eastern Time on May 13, 2021.

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09357 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. AD21–12–000]**

### Electrification and the Grid of the Future; Supplemental Notice of Technical Conference

As first announced in the Notice of Technical Conference issued in this proceeding on March 2, 2021, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding on Thursday, April 29, 2021, from 10:00 a.m. to 6:00 p.m. Eastern Time. The conference will be held electronically. Attached to this Supplemental Notice is an agenda for the technical conference, which includes the final conference program.

Discussions at the conference may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to:

Michigan Electric Transmission Company, LLC, Docket No. ER21–424;

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

The conference will be open for the public to attend electronically. There is no fee for attendance. Registration for the conference is not required. Information on this technical conference, including a link to the webcast, will be posted on the conference's event page on the Commission's website, *https://www.ferc.gov/news-events/events/technical-conference-discuss-electrification-and-grid-future-04292021,* prior to the event.

The conference will be transcribed. Transcripts of the conference will be

available for a fee from Ace-Federal Reporters, Inc. (202) 347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll free (866) 208–3372 (voice) or (202) 208–8659 (TTY) or send a fax to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact:

Michael Hill (Technical Information), Office of Energy Policy and Innovation, (202) 502–8703, *Michael.Hill@ferc.gov*

Sarah Greenberg (Legal Information), Office of General Counsel, (202) 502–6230, *Sarah.Greenberg@ferc.gov*

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *Sarah.Mckinley@ferc.gov*

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

**Technical Conference on Electrification and the Grid of the Future**

**Docket No. AD21–12–000**

**April 29, 2021**

**Agenda and Speakers**

*10:00 a.m.–10:15 a.m.: Welcome and Opening Remarks*

*10:15 a.m.–11:45 a.m.: Panel 1: Projections, Drivers, and Risks of Electrification*

This panel will explore the future and current state of electrification in the United States. Panelists will discuss how electrification could unfold, including the major drivers of electrification, the sectors and key technologies implicated, and the likelihood and magnitude of change to electricity demand under various electrification scenarios. Panelists will also discuss the environmental justice considerations and cybersecurity risks associated with electrification. The panel may include a discussion of the following questions:

1. What are the main drivers of electrification? Is the shift from using non-electric sources of energy to using electricity more pronounced in certain sectors or industries? How might public policy, energy costs, and technology drive electrification in the future?

2. What technologies are commercially available and currently being deployed to electrify different sectors or industries? What sectors and industries are driving the implementation of these technologies and how are they implementing them? How quickly are these technologies being deployed, and are there regional differences in the scope and rate of deployment?

3. How is electrification expected to affect electricity demand growth in the short term and the long term? How might electrification change electricity demand in the future in terms of daily and seasonal demand patterns, absolute magnitude of electricity demand on average, and during peak periods?

4. How might electrification affect marginalized communities? What are the environmental justice considerations associated with electrification?

5. What are the cybersecurity, reliability, and operational risks and/or benefits associated with specific technologies and industrial processes solely dependent on electricity and the corresponding change in electricity demand?

Panelists

- *Rob Chapman, Senior Vice President for Energy Delivery and Customer Solutions, Electric Power Research Institute*
- *Katherine Hamilton, Chair, 38 North Solutions; Executive Director, Advanced Energy Management Alliance; and Co-Chair, World Economic Forum Global Future Council on Clean Electrification*
- *Jeff Dennis, General Counsel and Managing Director, Advanced Energy Economy*
- *Matthew Tisdale, Executive Director, Gridworks*
- *Adrienne Mouton-Henderson, Deputy Director, Renewable Energy Buyers Alliance (REBA)*
- *Carlos Casablanca, Managing Director, Distribution Planning and Analysis, American Electric Power*
- *Ella Zhou, Senior Modeling Engineer, National Renewable Energy Laboratory (NREL)*
- *Glenn Blackmon, Manager, Energy Policy Office, Washington State Department of Commerce*

*11:45 a.m.–12:00 p.m.: Break*

*12:00 p.m.–1:30 p.m.: Panel 2: Infrastructure Requirements of Electrification*

This panel will focus on how transmission owners and system operators in both regional transmission organization (RTO) and independent system operator (ISO) regions and non-RTO/ISO regions are planning to cost-effectively and reliably integrate changes in electricity demand due to electrification and whether there are any existing challenges in transmission, interconnection, and resource adequacy planning processes that need to be addressed. Beyond planning, the panel will explore the types of infrastructure investments electrification may require, including additional generation; local, regional, and interregional transmission; and distribution investments. The panel may include a discussion of the following questions:

1. What type of infrastructure investments are required to address the respective challenges of electrification (*i.e.,* additional generation, local, regional or interregional transmission, and distribution investments)?

2. What approaches are transmission owners and system operators taking to cost-effectively meet the infrastructure requirements of projected electrification in the current transmission, interconnection, and resource adequacy planning processes? How do these approaches consider reliability, and what impacts do those considerations have on the need for infrastructure investment for electrification?

3. What measures are being taken to identify and align the costs of investments needed for electrification with the beneficiaries?

4. What, if any, existing regulatory and/or tariff requirements act as barriers to, or otherwise do not consider, electrification and its associated growth in demand? For example, does the scenario modeling in current regional transmission planning processes reflect increased demand due to electrification driven by market trends and public policies?

Panelists

- *Pedro Pizarro, Vice Chairman, Edison Electric Institute; President and CEO, Edison International*
- *Jordan Bakke, Senior Manager of Policy Studies, Midcontinent Independent System Operator, Inc.*
- *Rachel Huang, Director of Energy Strategy, Research & Development, Sacramento Municipal Utility District*
- *Dr. Asa Hopkins, Vice President, Synapse Energy Economics*
- *Ric O'Connell, Executive Director, Gridlab*
- *Larry Gasteiger, Executive Director, WIRES*
- *Gary Rackliffe, Vice President of Market Development and Innovation, Hitachi ABB Power Grids*
- *Roger Kranenburg, Vice President of Energy Strategy & Policy, Eversource Energy*

*1:30 p.m.–2:30 p.m.: Lunch*

*2:30 p.m.–4:00 p.m.: Panel 3: Transmission and Distribution System Services Provided by Flexible Demand*

This panel will explore transmission and distribution grid services that can be provided by newly electrified resources (*e.g.,* electric vehicles, smart thermostats, heat pumps, etc.) and the technology required for these resources to provide grid services. It will also discuss whether any barriers exist to these resources providing grid services they are technically capable of providing. The panel may include a discussion of the following questions:

1. What grid services can newly electrified resources provide or otherwise facilitate?

a. For example, what grid services can consumer electric vehicles or electric vehicle fleets most effectively provide today? What is the current state of development for vehicle-to-grid technologies, and will further advancements enable consumer electric vehicles or electric vehicle fleets to provide additional grid services in the future?

b. What other types of newly electrified resources can currently provide grid services, and what grid services can they most effectively provide? For example, can grid-interactive buildings be meaningful sources of flexible demand?

c. What, if any, newly electrified resources cannot currently provide grid services, but may be able to in the future? What barriers must be overcome for that to occur?

2. What technological capabilities (*e.g.,* interoperability) [1] are required for newly electrified resources to provide grid services? What is the current state of development for these capabilities? What could speed up or slow down such development?

3. What challenges exist to deploying newly electrified resources to provide grid services in the RTO/ISO and non-RTO/ISO regions?

4. What barriers, if any, exist to newly electrified resources providing grid services in wholesale or retail markets?

Panelists

- *Adrianne Collins, Senior Vice President of Power Delivery, Southern Company*
- *Pamela MacDougall, Senior Manager of Grid Modernization, Environmental Defense Fund*
- *Maria Bocanegra, Commissioner, Illinois Commerce Commission; Chair, NARUC EV Working Group*
- *Garrett Fitzgerald, Principal of Electrification, Smart Electric Power Alliance*
- *Peter Klauer, Senior Advisor Smart Grid Technology, California Independent System Operator Corporation*
- *Anne Smart, Vice President of Public Policy, ChargePoint*
- *Jeff Deason, Program Manager in Electricity Markets and Policy Department, Lawrence Berkeley National Laboratory*
- *David Nemtzow, Director of the Building Technologies Office, U.S. Department of Energy*

*4:00 p.m.–4:15 p.m.: Break*

*4:15 p.m.–5:45 p.m.: Panel 4: Local, State, and Federal Coordination*

This panel will explore the roles of local, state, and federal governmental entities, with regard to electrification moving forward. This panel will focus on how local, state, and federal governmental entities can coordinate to ensure the grid is prepared to handle additional load from electrification and to ensure that newly electrified sources of energy demand provide the grid services they are technically capable of providing. The panel may include a discussion of the following questions:

1. What role can coordination among local, state, and federal governmental entities play with regard to electrification?

2. What planning and coordination among local, state, and federal governmental entities is necessary to facilitate the provision of grid services by newly electrified resources in a way that maximizes benefits to the grid while decreasing the potential reliability, operational, and cybersecurity risks that electrification could pose?

3. Regional initiatives and multi-state cooperation efforts have formed in recent years to coordinate EV charging infrastructure deployment. What can we learn from those efforts and what role, if any, does the federal government play in supporting those efforts?

4. How can interoperability protocols and standards be coordinated across local, state, and federal jurisdictions?

5. What coordination efforts among local, state, and federal governmental entities have been most effective in addressing electrification? How could those coordination efforts be improved?

Panelists

- *Norman C. Bay, Partner, Willkie Farr & Gallagher LLP*
- *Ann Rendahl, Commissioner, Washington Utilities and Transportation Commission; Chair, NARUC Committee on Electricity*
- *Bob Ethier, Vice President of System Planning, ISO-New England Inc.*
- *John Williams, Vice President of Policy and Regulatory Affairs, New York State Energy Research and Development Authority (NYSERDA)*
- *Emeka Anyanwu, Officer, Energy Innovation & Resources Business Unit, Seattle City Light*
- *Phil Jones, Executive Director, Alliance for Transportation Electrification*
- *Sara Baldwin, Director of Electrification Policy, Energy Innovation*
- *Abigail Anthony, Commissioner, Rhode Island Public Utility Commission*

*5:45 p.m.–6:00 p.m.: Closing Remarks*

[FR Doc. 2021–09358 Filed 5–3–21; 8:45 am]

BILLING CODE 6717–01–P

[1] Interoperability refers to ''the capability of two or more networks, systems, devices, applications, or components to work together, and to exchange and readily use information—securely, effectively, and with little or no inconvenience to the user.'' *See* National Institute of Standards and Technology, Natl. Inst. Stand. Technol. Spec. Publ. 1108r4, at 3 (2021).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL21–69–000]**

### Dairyland Power Cooperative; Notice of Request for Partial Waiver

Take notice that on April 27, 2021, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 292.402, Dairyland Power Cooperative (Dairyland), on behalf of itself and on behalf of 24 rural electric cooperative member-owners (collectively, the Participating Members),[1] submitted a request for partial waiver of certain obligations imposed on the Participating Members and on Dairyland through the

[1] Dairyland's Participating Member-owners joining in this petition are Barron Electric Cooperative, Bayfield Electric Cooperative, Chippewa Valley Electric Cooperative, Clark Electric Cooperative, Dunn Energy Cooperative, Eau Claire Energy Cooperative, Jackson Electric Cooperative, Jump River Electric Cooperative, Oakdale Electric Cooperative, Pierce Pepin Cooperative Services, Polk-Burnett Electric Cooperative, Price Electric Cooperative, Inc., Richland Electric Cooperative, Riverland Energy Cooperative, St. Croix Electric Cooperative, Scenic Rivers Energy Cooperative, Taylor Electric Cooperative, Vernon Electric Cooperative, Allamakee-Clayton Electric Cooperative, Inc., Heartland Power Cooperative, Freeborn-Mower Cooperative Services, People's Energy Cooperative, MiEnergy Cooperative, and Jo-Carroll Energy.

Commission's regulations [2] implementing Section 210 of the Public Utility Regulatory Policies Act of 1978, as amended (PURPA),[3] as more fully explained in the request.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Comment Date:* 5:00 p.m. Eastern time on May 18, 2021.

Dated: April 27, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09344 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

[2] 18 CFR 292.303(a) and .303(b).

[3] 16 U.S.C. 824a–3.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC21–82–000.
*Applicants:* ECP ControlCo, LLC.
*Description:* Application for Authorization Under Section 203 of the Federal Power Act of ECP ControlCo, LLC.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5133.
*Comments Due:* 5 p.m. ET 5/18/21.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21–134–000.
*Applicants:* Minco Wind Energy II, LLC.
*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Minco Wind Energy II, LLC.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5065.
*Comments Due:* 5 p.m. ET 5/18/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER20–2700–001.
*Applicants:* Deuel Harvest Wind Energy LLC.
*Description:* Notice of Change in Status of Deuel Harvest Wind Energy LLC.
*Filed Date:* 4/26/21.
*Accession Number:* 20210426–5366.
*Comments Due:* 5 p.m. ET 5/17/21.

*Docket Numbers:* ER21–817–002.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* Tariff Amendment: 2021–04–27_SA 3616 Amendment to Deficiency Response (J1076 GIA) to be effective 3/8/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5170.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–820–001.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* Tariff Amendment: 2021–04–27_SA 3617 Amendment to Deficiency Response (MPFCA J1076 J1142 J1158) to be effective 3/8/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5192.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1768–000.
*Applicants:* Light Power & Gas LLC.
*Description:* Baseline eTariff Filing: LPG MBR Tariff Filing to be effective 6/1/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5075.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1769–000.
*Applicants:* American Electric Power Service Corporation, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: AEP submits Update to Attachment 1 of ILDSA, SA No. 1336 to be effective 4/1/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5139.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1770–000.
*Applicants:* Arizona Public Service Company.
*Description:* Notice of Cancellation of Rate Schedule No. 61 of Arizona Public Service Company.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5179.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1771–000.
*Applicants:* Idaho Power Company.
*Description:* § 205(d) Rate Filing: SA 324 and SA 342—Revised Agreements to be effective 7/1/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5185.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1772–000.
*Applicants:* PacifiCorp.
*Description:* § 205(d) Rate Filing: PAC–NVE MBR Amendments Filing to be effective 6/27/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5193.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1773–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Original WMPA, SA No. 6021; Queue No. AG1–064 to be effective 4/5/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5200.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1774–000.
*Applicants:* Sierra Pacific Power Company.
*Description:* § 205(d) Rate Filing: Market-Based Rate Tariff Amendment Vol. 7 to be effective 6/27/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5204.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1775–000.
*Applicants:* Nevada Power Company.

*Description:* § 205(d) Rate Filing: Market-Based Rate Tariff, Volume No. 11; Amendment to be effective 6/27/2021.

*Filed Date:* 4/27/21.

*Accession Number:* 20210427–5205.

*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1776–000.

*Applicants:* Emmons-Logan Wind Interconnection, LLC.

*Description:* Tariff Cancellation: Emmons-Logan Interconnection Notice of Cancellation of TSA to be effective 4/28/2021.

*Filed Date:* 4/27/21.

*Accession Number:* 20210427–5213.

*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1777–000.

*Applicants:* Lanyard Power Holdings, LLC.

*Description:* § 205(d) Rate Filing: Reactive Service Rate Schedule Filing for Deactivation of Chalk Point Units to be effective 6/1/2021.

*Filed Date:* 4/27/21.

*Accession Number:* 20210427–5227.

*Comments Due:* 5 p.m. ET 5/18/21.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES21–40–000.

*Applicants:* MidAmerican Energy Company.

*Description:* Application under Section 204 of the Federal Power Act for Authorization to Issue Securities for MidAmerican Energy Company.

*Filed Date:* 4/27/21.

*Accession Number:* 20210427–5241.

*Comments Due:* 5 p.m. ET 5/18/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 27, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09343 Filed 5–3–21; 8:45 am]

BILLING CODE 6717–01–P

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 6066–038]**

### McCallum Enterprises I Limited; Partnership and Shelton Canal Company; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 6066–038.

c. *Date Filed:* February 26, 2021.

d. *Submitted By:* McCallum Enterprises I Limited Partnership and Shelton Canal Company (McCallum and Shelton).

e. *Name of Project:* Derby Dam Hydroelectric Project.

f. *Location:* On the Housatonic River in Fairfield and New Haven Counties, Connecticut. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 and 5.5 of the Commission's regulations.

h. *Potential Applicant Contact:* Joseph W. Szarmach, Jr., McCallum Enterprises I Limited Partnership and Shelton Canal Company, 2874 Main St., Stratford, CT 06614; (203) 386–1745; email at *MELPHydro@gmail.com.*

i. *FERC Contact:* Michael Watts at (202) 502–6123; or email at *michael.watts@ferc.gov.*

j. McCallum Enterprises filed its request to use the Traditional Licensing Process on February 26, 2021, and provided public notice of the request on February 26, 2021. In a letter dated April 27, 2021, the Director of the Division of Hydropower Licensing approved McCallum's and Shelton's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Connecticut State Historic Preservation Officer, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating McCallum and Shelton as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. On February 26, 2021, McCallum and Shelton filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 6066. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2024.

p. Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 27, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09340 Filed 5–3–21; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No., 11150–095]**

### Grand River Power Company, Inc.; Notice of Application for Amendment of License and Request To Permanently Resume Generation, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Proceeding: Application for non-capacity amendment of license.

b. *Project No.:* 11150–095.

c. *Date Filed:* March 31, 2021.

d. *Licensee:* Grand River Power Company, Inc.

e. *Name of Project:* Smithville and Mix Hydroelectric Project.

f. *Location:* The project is located on the Grand River, in the City of Eaton Rapids, in Eaton County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Roy Davis, Grand River Power Company, Inc., 332 S Waverly Rd., Eaton Rapids, MI 48827, (616) 318–4191, *wastetoenergy@charter.net.*

i. *FERC Contact:* Christopher Chaney, (202) 502–6778, *christopher.chaney@ferc.gov.*

j. *Deadline for filing comments, interventions, and protests Deadline for filing comments, motions to intervene, and protests:* May 27, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P–11150–095. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The project consists of two developments—the Smithville Development, which is located about two miles upstream of Eaton Rapids, and the Mix Development, which is located within Eaton Rapids. For both developments, the applicant proposes to modify the elevation datum used to specify the impoundment elevation requirements of Article 402, and to remove the requirement for pre-high flow drawdowns from Article 403. Under the proposed amendment, operations and water levels would not change; however, the elevation datum would change from mean sea level (msl) to the National Geodetic Vertical Datum of 1929 (NGVD29). Additionally, the applicant proposes to ensure passage of the 10-cubic-foot-per-second minimum flow at the Mix Development required by Article 403 by maintaining and monitoring a minimum elevation at the Mix dam. The applicant will continue to maintain and monitor the impoundment elevation required by Article 402 at the Mix powerhouse.

The applicant filed the amendment application in order to resolve the outstanding compliance issues from a November 26, 2014 Order to Cease Generation issued for the project. Therefore, the applicant is seeking authorization to permanently resume generation upon the approval of this amendment application.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 27, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09341 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RD21–2–000]**

### Commission Information Collection Activities (FERC–725B2); Comment Request; Revision

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on revisions to the information collection FERC–725B2 (Mandatory Reliability Standards for Critical Infrastructure Protection [CIP] Reliability Standards) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

**DATES:** Comments on the collection of information are due June 3, 2021.

**ADDRESSES:** Send written comments on FERC–725B2 to OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0304) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. RD21–2–000) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
- *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

*Instructions: OMB submissions* must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain;* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

**SUPPLEMENTARY INFORMATION:**

*Title:* FERC–725B2, Mandatory Reliability Standards for Critical Infrastructure Protection [CIP] Reliability Standards.[1]

*OMB Control No.:* 1902–0304.

*Type of Request:* Three-year approval of proposed changes as described in Docket No. RD21–2–000.

*Abstract:* The North American Electric Relaibility Corportation filed a petition with the Commission on December 14, 2020. The docket was noticed on January 7 with a 21-day comment/intervention period, ending on January 28, 2021. In response to the Notice of Information Collection and Request for Comments published in the **Federal Register** on February 22, 2021 (86 FR 11760), the Commission received no comments on the 60-day Paperwork Reduction Act notice. FERC issued a Commission Letter Order on March 18, 2021.[2]

FERC–725B2 contains the following information collection elements. Pursuant to Reliability Standard CIP–013–2 Requirement R1, responsible entities should update their supply chain risk management plans to include Electronic Access Control or Monitoring Systems and Physical Access Control Systems. The act of implementing the modified plans and procedures may result in additional documentation, as required by Reliability Standard CIP–013–2, Requirement R2. In addition to the above one-time paperwork requirements, pursuant to Reliability Standard CIP–013–1, Requirement R3, responsible entities are required to review their supply chain risk management plan and associated procedures every 15 months.

The technical requirements in Reliability Standard CIP–005–7, Requirement R3.1 and Requirement R3.2 are likely to result in documentation burden in year one to implement new reporting requirements.

Reliability Standard CIP–010–4, Requirement R1.6 will require modification of certain procedures, as well as initial implementation and documentation of said procedures.

The compliance-related recordkeeping requirements of the above-mentioned standards will continue on an ongoing basis beginning in year one.

*Type of Respondent:* Businesses or other for-profit institutions; not-for-profit institutions.

*Estimate of Annual Burden:*[3]

The Commission estimates the total annual burden and cost[4] for this information collection in the table below. For hourly cost (for wages and benefits) for the reporting requirements, we estimate that

- 2% of the time is spent by Electrical Engineers (Occupation Code: 17–2071, at $70.19/hr.),
- 15% of the time is spent by Legal (Occupation Code: 23–0000, at $142.65/hr.),
- 31.5% of the time is spent by Information Security Analysts (Occupation Code: 15–1122, at $71.47/hr.),
- 10% of the time is spent by Computer and Information Systems Managers (Occupation Code: 11–3021, at $101.58/hr.),
- 10% of the time is spent by Management (Occupation Code: 11–0000, at $97.15/hr.), and
- 31.5% of the time is spent by Management Analyst (Occupation Code: 43–0000 at $66.23/hr.).

Therefore, for reporting requirements, we use the weighted hourly cost (for wages and benefits) of $86.05.

For recordkeeping requirements, for hourly cost (for wages and benefits), we are using $41.03 for Information and Record Clerks (Occupation Code: 43–4199).

The proposed standards are not changing the reporting or recordkeeping requirements, however the proposed

[1] The reporting and recordkeeping requirements proposed in Docket No. RD21–2–000 would normally be included in FERC–725B (OMB Control No. 1902–0248). However another unrelated item under FERC–725B is pending review by the Office of Management and Budget (OMB), and only one item per OMB Control No. can be pending review at a time.

We are submitting the additional requirements (and related burden estimates) described in Docket No. RD21–2–000 to OMB under the interim information collection number FERC–725B2 in order to submit the request to OMB timely. FERC–725B continues to cover the current requirements and burden of the standards, before implementation of the additional requirements of Docket No. RD21–2–000.

[2] The Commission Letter Order is available on FERC's eLibrary system (*https://elibrary.ferc.gov/eLibrary/search*) by searching in Docket Number RD21–2.

[3] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[4] Costs (for wages and benefits) are based on wage figures from the Bureau of Labor Statistics (BLS) for May 2019 (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information issued March 19, 2020 (at *https://www.bls.gov/news.release/ecec.nr0.htm*).

standards are expanding the types of assets to which the reporting and recordkeeping requirements apply.

assets to which the reporting and recordkeeping requirements apply.

FERC–725B2, ESTIMATED ADDITIONAL ANNUAL BURDEN DUE TO DOCKET NO. RD21–2

| Type and number of respondents [5] | Type of reporting or recordkeeping requirement | Annual number of respondents (A) | Annual number of responses per respondent (B) | Total number of annual responses (A) × (B) = (C) | Average annual burden hours & cost ($) per response (D) | Estimated total annual burden hours and cost ($) (C) × (D) |
|---|---|---|---|---|---|---|
| **Reliability Standard CIP–013–2** | | | | | | |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Reporting, Implementation (one-time in Year 1). | 343 | 1 | 343 | 136 hrs.; $11,702.80 | 46,648 hrs.; $4,014,060.40. |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Reporting (ongoing starting in Year 2). | 343 | 1 | 343 | 30 hrs.; $2,581.50 | 10,290 hrs.; $885,454.50. |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Recordkeeping (ongoing starting in Year 1). | 343 | 1 | 343 | 5 hrs.; $205.15 | 1,715 hrs.; $70,366.45. |
| Sub-Total for CIP–013–2. | | | | | | 58,653 hrs.; $4,969,881.35. |
| **Reliability Standard CIP–005–7** | | | | | | |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Reporting, Implementation (one-time in Year 1). | 343 | 1 | 343 | 12 hrs.; $1,032.60 | 4,116 hrs.; $354,181.80. |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Recordkeeping (ongoing starting in Year 1). | 343 | 1 | 343 | 3 hrs.; $123.09 | 1,029 hrs.; $42,219.87. |
| Sub-Total for CIP–005–7. | | | | | | 5,145 hrs.; $396,401.67. |
| **Reliability Standard CIP–010–4** | | | | | | |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Reporting, Implementation (one-time in Yr. 1). | 343 | 1 | 343 | 12 hrs.; $1,032.60 | 4116 hrs.; $354,181.80. |
| 343 (BA, DP, GO, GOP, RC, TO, and TOP). | Recordkeeping (ongoing starting in Year 1). | 343 | 1 | 343 | 3 hrs.; $123.09 | 1,029 hrs.; $42,219.87. |
| Sub-Total for CIP–010–4. | | | | | | 5,145 hrs.; $396,401.67. |
| Total Annual Burden Hrs. and Cost, due to RD21–2. | | | | | | 68,943 hrs.; $5,762,684.69. |

*Comments:* Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09356 Filed 5–3–21; 8:45 am]

**BILLING CODE 6717–01–P**

[5] There are 1,494 unique registered entities in the NERC compliance registry as of February 5, 2021. Of this total, we estimate that 343 entities (Balancing Authority [BA], Distribution Provider [DP], Generator Owner [GO], Generator Operator [GOP], Reliability Coordinator [RC], Transmission Owner [TO], and Transmission Operator [TOP]) will face an increased paperwork burden due to Docket No. RD21–2.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC21–83–000.

*Applicants:* ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of ReEnergy Livermore Falls LLC, et al.

*Filed Date:* 4/28/21.

*Accession Number:* 20210428–5157.

*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* EC21–84–000.

*Applicants:* Seneca Energy II, LLC, Innovative Energy Systems, LLC, Sunshine Gas Producers, LLC, Rice Acquisition Corporation, PEI Power LLC, PEI Power II, LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of Seneca Energy II, LLC, et al.

*Filed Date:* 4/28/21.

*Accession Number:* 20210428–5279.

*Comments Due:* 5 p.m. ET 5/19/21.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21–135–000.

*Applicants:* SP Garland Solar Storage, LLC.

*Description:* Self-Certification of EG or FC of SP Garland Solar Storage, LLC.

*Filed Date:* 4/28/21.

*Accession Number:* 20210428–5179.

*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* EG21–136–000.

*Applicants:* SP Tranquillity Solar Storage, LLC.

*Description:* SP Tranquillity Solar Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5180.
*Comments Due:* 5 p.m. ET 5/19/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER20–2452–000; ER20–2453–000.
*Applicants:* Hamilton Liberty LLC, Hamilton Patriot LLC.
*Description:* Supplement to July 17, 2020 and October 20, 2020 Hamilton Liberty LLC, et al. tariff filing.
*Filed Date:* 3/22/21.
*Accession Number:* 20210322–5515.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–330–002.
*Applicants:* Specialty Products US, LLC.
*Description:* Tariff Amendment: Rate Schedule No. 1 Market Based Rate Tariff to be effective 1/4/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5264.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–331–002.
*Applicants:* DDP Specialty Electronic Materials US, I.
*Description:* Tariff Amendment: Rate Schedule No. 1 Market Based Rate Tariff to be effective 1/4/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5267.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1264–001.
*Applicants:* Duke Energy Indiana, LLC.
*Description:* Tariff Amendment: Annual Reconciliation Filing—Extenstion Request to be effective 7/1/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5219.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1779–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* § 205(d) Rate Filing: 2021–04–27 Filing of Rate Sched. 6648—PCA With Cal. Dept. of Water Resources to be effective 6/27/2021.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5254.
*Comments Due:* 5 p.m. ET 5/18/21.

*Docket Numbers:* ER21–1780–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6060; Queue No. AG1–142 to be effective 3/30/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5021.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1781–000.
*Applicants:* Consumers Energy Company.
*Description:* § 205(d) Rate Filing: Wholesale Distribution Service Agreements to be effective 6/1/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5036.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1782–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* § 205(d) Rate Filing: 1771R11 NPPD NITSA NOA Notice of Cancellation to be effective 6/1/2019.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5050.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1783–000.
*Applicants:* Arizona Public Service Company.
*Description:* Tariff Cancellation: Service Agreement No. 387—Notice of Cancellation to be effective 6/28/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5130.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1784–000.
*Applicants:* New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.
*Description:* § 205(d) Rate Filing: 205 Joint NYISO and NMPC SGIA Among NYISO, NMPC, SunEast Skyline Solar, SA 2608 to be effective 4/15/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5144.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1785–000.
*Applicants:* Northern States Power Company, a Minnesota corporation.
*Description:* § 205(d) Rate Filing: 2021–04–28 MMPA–TOP–685–0.0.0 to be effective 6/1/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5146.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1786–000.
*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 205: SGIA between Niagara Mohawk and Tesla, SA No. 2624 to be effective 3/29/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5170.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1787–000.
*Applicants:* Kumquat & Citron Cleantech, LLC.
*Description:* Kumquat & Citron Cleantech, LLC submits a Petition for a One-Time, Limited Waiver of, or, in the Alternative, Remedial Relief from, a procedural deadline in Section 206.2 of PJM Interconnection, L.L.C. Open Access Transmission Tariff.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5199.
*Comments Due:* 5 p.m. ET 5/10/21.

*Docket Numbers:* ER21–1788–000.
*Applicants:* Midcontinent Independent System Operator, Inc., Consumers Energy Company.
*Description:* § 205(d) Rate Filing: 2021–04–28_SA 2887, 2888, 2889, 2890, 2891, 2892 WDS Notice of Cancellation to be effective 6/1/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5226.
*Comments Due:* 5 p.m. ET 5/19/21.

*Docket Numbers:* ER21–1790–000.
*Applicants:* California Independent System Operator Corporation.
*Description:* § 205(d) Rate Filing: 2021–04–28 Load, Exports and Wheeling to be effective 6/28/2021.
*Filed Date:* 4/28/21.
*Accession Number:* 20210428–5262.
*Comments Due:* 5 p.m. ET 5/19/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

*Docket Numbers:* QM21–20–000.
*Applicants:* Cleco Power LLC.
*Description:* Application of Cleco Power LLC to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.
*Filed Date:* 4/27/21.
*Accession Number:* 20210427–5290.
*Comments Due:* 5 p.m. ET 5/25/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 29, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–09359 Filed 5–3–21; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPPT–2021–0146; FRL–10021–51]**

## Certain New Chemicals or Significant New Uses; Statements of Findings for January 2021

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on TSCA notices during the period from January 1, 2021 to January 31, 2021.

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Rebecca Edelstein, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667; email address: *edelstein.rebecca@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. General Information

*A. Does this action apply to me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0146, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

### II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from January 1, 2021 to January 31, 2021.

### III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

○ The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;

○ The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;

○ The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;

○ The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or

○ The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

### IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

○ EPA case number assigned to the TSCA section 5(a) notice.

○ Chemical identity (generic name if the specific name is claimed as CBI).

○ Website link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

| EPA case No. | Chemical identity | Website link |
|---|---|---|
| J–20–0025 | Biofuel producing *Saccharomyces cerevisiae* modified, genetically stable (Generic Name). | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-494.* |
| P–21–0012 | Multialkylbicycloalkenyl substituted propanenitrile (Generic Name). | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-493.* |
| P–20–0185 | Amines, C36-alkylenedi-, polymers with bicyclo[2.2.1]heptanedimethanamine, [5,5'-biisobenzofuran]-1,1',3,3'-tetrone and 3a,4,5,7atetrahydro-7-methyl-5-(tetrahydro-2,5-dioxo-3-furanyl)-1,3-isobenzofurandione, maleated: CASRN 2414426–71–2. | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-491.* |
| P–20–0107 | Carbimide, polyalkylenepolyarylene ester, polymer with 1,2-alkanediol, 2-alkoxyalkyl methacrylate- and 3-(2-alkoxyalkyl)-2-heterocycle-blocked (Generic Name). | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-490.* |
| J–20–0013, J–20–0014, J–20–0015, J–20–0016, J–20–0017, J–20–0018. | Strains of *Escherichia coli* modified with genetically-stable, plasmid-borne DNA for the production of enzymes (Generic Names). | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-489.* |
| J–20–0005 | *Saccharomyces cerevisiae* modified (Generic Name). | *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-488.* |

**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: April 6, 2021.

**Madison H. Le,**

*Director, New Chemicals Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2021–09369 Filed 5–3–21; 8:45 am]

**BILLING CODE 6560–50–P**

## EXPORT-IMPORT BANK

**[Public Notice: 2021–6006]**

### Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before July 6, 2021 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on *www.regulations.gov* or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

Form can be viewed at *https://www.exim.gov/sites/default/files/pub/pending/eib10_03-1.pdf.*

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please Donna Schneider. 202–565–3612.

**SUPPLEMENTARY INFORMATION:** This collection of information is necessary, pursuant to 12 U.S.C. 635 (a)(1), to determine eligibility of the export sales for insurance coverage. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to Ex-Im Bank for its support of the shipment(s) under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

By neutralizing the effect of export credit support offered by foreign governments and by absorbing credit risks that the private sector will not accept, EXIM enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. Under the Working Capital Guarantee Program, EXIM provides repayment guarantees to lenders on secured, short-term working capital loans made to qualified exporters. The guarantee may be approved for a single loan or a revolving line of credit. In the event that a buyer defaults on a transaction insured by EXIM the insured exporter or lender may seek payment by the submission of a claim.

*Title and Form Number:* EIB 10–03 Notice of Claim and Proof of Loss, Export Credit Insurance Policies.

*OMB Number:* 3048–0033.

*Type of Review:* Regular.

*Need and Use:* This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine if such claim complies with the terms and conditions of the relevant insurance policy.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 300.

*Estimated Time per Respondent:* 60 minutes.

*Annual Burden Hours:* 300 hours.

*Frequency of Reporting or Use:* As needed to request claim payment.

*Government Expenses*

*Reviewing Time per Year:* 300 hours.

*Average Wages per Hour:* $42.50.

*Average Cost per Year:* $12,750.

*Benefits and Overhead:* 20%.

*Total Government Cost:* $15,300.

**Bassam Doughman,**

*IT Specialist.*

[FR Doc. 2021–09389 Filed 5–3–21; 8:45 am]

**BILLING CODE 6690–01–P**

## FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

**[Docket No. AS21–04]**

### Appraisal Subcommittee Notice of Meeting

**AGENCY:** Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

**ACTION:** Notice of Meeting.

*Description:* In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for a special meeting:

*Location:* Due to the COVID–19 Pandemic, the meeting will be open to

the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. You MUST register in advance to attend this Meeting.

*Date:* May 14, 2021.
*Time:* 10:00 a.m. ET.
*Status:* Open.

**Reports**

Chairman
Executive Director
Grants Director
Financial Manager

**Action and Discussion Items**

Approval of Minutes
March 10, 2021 Open Session
2020 ASC Annual Report
Proposed review of the Uniform Standards of Professional Appraisal Practice/Real Property Appraiser Qualification Criteria; focus on Fairness, Equity, Objectivity and Diversity

**How To Attend and Observe an ASC Meeting**

Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

**James R. Park,**
*Executive Director.*

[FR Doc. 2021–09316 Filed 5–3–21; 8:45 am]
BILLING CODE 6700–01–P

## FEDERAL TRADE COMMISSION

**[File No. 211 0028]**

## Casey's General Stores, Inc.; Analysis of Agreement Containing Consent Orders To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement; request for comment.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Proposed Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before June 3, 2021.

**ADDRESSES:** Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: ''Casey's General Stores, Inc.; File No. 211 0028'' on your comment, and file your comment online at *www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ashley Masters (202–326–2291), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 3, 2021. Write ''Casey's General Stores, Inc.; File No. 211 0028'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *www.regulations.gov* website.

Due to protective actions in response to the COVID–19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Casey's General Stores, Inc.; File No. 211 0028'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by overnight service.

Because your comment will be placed on the publicly accessible website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on

*www.regulations.gov*—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing this matter. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 3, 2021. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

**Analysis of Agreement Containing Consent Orders To Aid Public Comment**

**I. Introduction**

The Federal Trade Commission (''Commission'') has accepted for public comment, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Casey's General Stores, Inc. (''Casey's'') and Buck's Intermediate Holdings, LLC and Steven Buchanan (''Bucky's,'' and collectively, the ''Respondents''). The Consent Agreement is designed to remedy the anticompetitive effects that likely would result from Casey's proposed acquisition of retail fuel assets from Bucky's.

Under the terms of the proposed Decision and Order (''Order'') contained in the Consent Agreement, Respondents must divest certain retail fuel assets in seven local markets in Nebraska and Iowa. Respondents must complete the divestiture within 10 days after the closing of the acquisition. The Commission and Respondents have agreed to an Order to Maintain Assets that requires Respondents to operate and maintain each divestiture outlet in the normal course of business through the date the upfront buyers acquire the divested assets.

The Commission has placed the Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the comments received and decide whether it should withdraw, modify, or make final the proposed Order.

**II. The Respondents**

Respondent Casey's, a publicly traded company headquartered in Ankeny, Iowa, owns and operates roughly 2,200 retail fuel outlets and convenience stores in 16 Midwestern states, primarily Iowa, Missouri and Illinois. Casey's convenience stores operate under the Casey's name, and its retail fuel outlets sell under unbranded fuel banners.

Respondent Bucky's is a family-owned chain of retail fuel outlets and convenience stores headquartered in Omaha, Nebraska. It has approximately 170 stores in its network, including 94 company-operated sites, and currently operates the largest chain of convenience stores in the Omaha metro area, under the Bucky's name, with additional stores in Chicago, Illinois. Bucky's retail fuel outlets sell under a variety of third-party branded and unbranded fuel banners.

**III. The Proposed Acquisition**

On November 8, 2020, Casey's entered into an agreement to acquire certain retail and wholesale fuel assets from Bucky's and related entities (the ''Acquisition''). The Commission's Complaint alleges that the Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and that the Acquisition agreement constitutes a violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition for the retail sale of gasoline in seven local markets in Nebraska and Iowa, and by substantially lessening competition for the retail sale of diesel fuel in four local markets in Nebraska.

**IV. The Retail Sale of Gasoline and Diesel Fuel**

The Commission alleges the relevant product markets in which to analyze the Acquisition are the retail sale of gasoline and the retail sale of diesel fuel. Consumers require gasoline for their gasoline-powered vehicles and can purchase gasoline only at retail fuel outlets. Likewise, consumers require diesel fuel for their diesel-powered vehicles and can purchase diesel fuel only at retail fuel outlets. The retail sale of gasoline and the retail sale of diesel fuel constitute separate relevant markets because the two are not interchangeable. Vehicles that run on gasoline cannot run on diesel fuel, and vehicles that run on diesel fuel cannot run on gasoline.

The Commission alleges the relevant geographic markets in which to assess the competitive effects of the Acquisition with respect to the retail sale of gasoline are seven local markets in and around the following cities: Omaha, Nebraska; Papillion, Nebraska; and Council Bluffs, Iowa. The relevant geographic markets in which to assess the competitive effects of the Acquisition with respect to the retail sale of diesel fuel are four local markets in and around Omaha, Nebraska and Papillion, Nebraska.

The geographic markets for retail gasoline and retail diesel fuel are highly localized, depending on the unique circumstances of each area. Each relevant market is distinct and fact-dependent, reflecting many considerations, including commuting patterns, traffic flows, and outlet characteristics. Consumers typically choose between nearby retail fuel outlets with similar characteristics along their planned routes. The geographic markets for the retail sale of diesel fuel are similar to the corresponding geographic markets for retail gasoline, as many diesel fuel consumers exhibit preferences and behaviors similar to those of gasoline consumers.

The Acquisition would substantially lessen competition in each of these local markets, resulting in seven highly concentrated markets for the retail sale of gasoline and three highly concentrated markets for the retail sale of diesel fuel. Retail fuel outlets compete on price, store format, product offerings, and location, and pay close attention to competitors in close proximity, on similar traffic flows, and with similar store characteristics. In each of the local gasoline and diesel fuel retail markets, the Acquisition would reduce the number of competitively constraining independent market participants to three or fewer. The combined entity would be able to raise prices unilaterally in markets where Casey's and Bucky's are close competitors. Absent the Acquisition, Casey's and Bucky's would continue to compete head to head in these local markets.

Moreover, the Acquisition would enhance the incentives for interdependent behavior in local markets where only two or three competitively constraining independent market participants would remain. Two aspects of the retail fuel industry make it vulnerable to such coordination. First, retail fuel outlets post their fuel prices on price signs visible from the street, allowing competitors easily to observe each other's fuel prices. Second, retail fuel outlets regularly track their competitors' fuel prices and change their own prices in response. These repeated interactions give retail fuel

outlets familiarity with how their competitors price and how changing prices affect fuel sales.

Entry into each relevant market would not be timely, likely, or sufficient to deter or counteract the anticompetitive effects arising from the Acquisition. Significant entry barriers include the availability of attractive real estate, the time and cost associated with constructing a new retail fuel outlet, and the time associated with obtaining necessary permits and approvals.

**V. The Consent Agreement**

The proposed Order would remedy the Acquisition's likely anticompetitive effects by requiring Casey's to divest certain Casey's and Bucky's retail fuel assets to Western Oil II, LLC and Danco II, LLC (collectively ''Western Oil'') in each local market. Western Oil is an experienced operator or supplier of retail fuel sites and will be a new entrant into the local markets.

The proposed Order requires the divestiture be completed no later than ten days after Casey's consummates the Acquisition. The proposed Order further requires Casey's and Bucky's to maintain the economic viability, marketability, and competitiveness of each divestiture asset until the divestiture to Western Oil is complete.

In addition to requiring outlet divestitures, the proposed Order requires Respondents to provide the Commission notice before acquiring retail fuel assets within a fixed distance of any Casey's outlet in a market involving a divestiture for ten years. The prior notice provision is necessary because an acquisition in close proximity to divested assets likely would raise the same competitive concerns as the Acquisition and may fall below the Hart-Scott-Rodino Act premerger notification thresholds.

The Consent Agreement contains additional provisions designed to ensure the effectiveness of the relief. For example, Respondents have agreed to an Order to Maintain Assets that will issue at the time the proposed Consent Agreement is accepted for public comment. The Order to Maintain Assets requires Respondents to operate and maintain each divestiture outlet in the normal course of business, through the date the Respondents complete the divestiture. The proposed Order also includes a provision that allows the Commission to appoint an independent third party as a Monitor to oversee the Respondents' compliance with the requirements of the Order.

The purpose of this analysis is to facilitate public comment on the Consent agreement, and the Commission does not intend this analysis to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

**April J. Tabor,**

*Secretary.*

[FR Doc. 2021–09329 Filed 5–3–21; 8:45 am]

**BILLING CODE 6750–01–P**

## GENERAL SERVICES ADMINISTRATION

**[Notice–MA–2021–02; Docket No. 2021–0002; Sequence No. 9]**

## Office of Asset and Transportation Management; Presidential Commission on the Supreme Court of the United States; Notification of Upcoming Public Virtual Meeting

**AGENCY:** Office of Government-wide Policy, General Services Administration (GSA).

**ACTION:** Meeting notice.

**SUMMARY:** GSA is providing notice of an open public virtual meeting of the Presidential Commission on the Supreme Court of the United States (Commission) in accordance with the requirements of the Federal Advisory Committee Act. The purpose of this meeting is to provide introductions and a statement of plan for the meeting, a ceremonial swearing in of the Commission members, discussion of the public meeting format and calls for testimony, areas of research focus, and information available on the Commission website.

**DATES:** The Commission will hold a public virtual meeting on May 19, 2021, from 1 p.m. to 2:30 p.m., Eastern Time (ET).

**ADDRESSES:** This meeting will be conducted virtually on the internet. Interested individuals must register to attend as instructed below.

**Procedures for Attendance and Public Comment**

*Attendance.* This meeting is open to the public and the Commission encourages the public's input. To attend this public virtual meeting, you must register by submitting your full name, organization (if applicable), email address, and phone number to the Designated Federal Officer, at *info@pcscotus.gov,* listed under **FOR FURTHER INFORMATION CONTACT**. Registration requests must be received by 5 p.m. ET, on May 17, 2021.

*Public Comment.* For the Commission to have the best opportunity to review and consider the public's input, written comments must be received via email at *info@pcscotus.gov* no later than 5 p.m. ET on May 17, 2021. Comments submitted after this date will be provided to the Commission members, but please be advised that Commission members may not have adequate time to consider the comments prior to the meeting.

*Special accommodations.* For information on services for individuals with disabilities, or to request accommodation of a disability, please contact the Designated Federal Officer at least 10 business days prior to the meeting to give GSA as much time as possible to process the request.

**FOR FURTHER INFORMATION CONTACT:** For information on the public virtual meeting, contact Dana Fowler, Designated Federal Officer, Office of Government-wide Policy, General Services Administration, at *info@pcscotus.gov,* 202–501–1777.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Administrator of GSA established the Commission as a Presidential advisory committee on April 26, 2021 pursuant to Executive Order 14023, *Establishment of the Presidential Commission on the Supreme Court of the United States,* issued on April 9, 2021. Per the executive order, the Commission shall produce a report for the President that includes the following:

(i) An account of the contemporary commentary and debate about the role and operation of the Supreme Court in our constitutional system and about the functioning of the constitutional process by which the President nominates and, by and with the advice and consent of the Senate, appoints Justices to the Supreme Court;

(ii) The historical background of other periods in the Nation's history when the Supreme Court's role and the nominations and advice-and-consent process were subject to critical assessment and prompted proposals for reform; and

(iii) An analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform, including an appraisal of the merits and legality of particular reform proposals.

**Krystal J. Brumfield,**

*Associate Administrator, Office of Government-wide Policy.*

[FR Doc. 2021–09511 Filed 5–3–21; 8:45 am]

**BILLING CODE 6820–14–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Rescission of the Requirement for Airlines To Collect Designated Information for Passengers Destined for the United States Who Are Departing From, or Were Otherwise Present in the Democratic Republic of the Congo

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services (HHS), announces the rescission of the requirement for airlines and aircraft operators to collect designated information for passengers who are departing from, or were otherwise present in, the Democratic Republic of the Congo (DRC) within 21 days prior to their entry or attempted entry into the United States. This rescission is based on the CDC Director's determination that such passengers are no longer at risk of exposure to Ebola virus disease (EVD) and that their accurate and complete contact information is no longer needed to protect the health of fellow travelers and United States communities. All requirements pertaining to Guinea remain in effect.

**DATES:** This rescission went into effect beginning 11:59 p.m. Eastern Daylight Time on April 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H16–4, Atlanta, GA 30329. Email: *dgmqpolicyoffice@cdc.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

On March 2, 2021, CDC issued an Order requiring all airlines and aircraft operators conducting passenger-carrying operations destined for the United States to collect and transmit, and passengers to provide, designated passenger manifest information to the United States Government for passengers departing from or who were otherwise present in the DRC or the Republic of Guinea (Guinea) within 21 days of the passenger's entry or attempted entry into the United States.

Since March 1, 2021, there have been no new confirmed EVD cases reported in DRC and all contacts of cases that were being monitored for EVD have passed the 21-day incubation period. With no new cases reported in the past 42 days (2 incubation periods) no remaining hospitalized patients with EVD, and no contacts of confirmed EVD cases still requiring monitoring, the potential risk for Ebola virus exposure in DRC has greatly diminished.

CDC has determined that this information is no longer required to be collected and provided to CDC by airlines and aircraft operators as stipulated in the Order.

A copy of the Order is provided below and a copy of the signed Order can be found at *https://www.cdc.gov/quarantine/order-contact-information-ebola.html.*

### Order of the Centers for Disease Control and Prevention, Department of Health and Human Services

### Rescission of the Requirement for Airlines To Collect Designated Information for Passengers Destined for the United States Who Are Departing From, or Were Otherwise Present in, the Democratic Republic of the Congo

### Under 42 CFR 71.4, 71.20, 71.31, and 71.32 as Authorized by 42 U.S.C. 264 and 268

*Attention:*

- All airlines and aircraft operators conducting any passenger-carrying operation destined for the United States transporting passengers who are departing from or were otherwise present in the Democratic Republic of the Congo (DRC) within the previous 21 days of the date of the person's entry or attempted entry into the United States; and
- All air passengers destined for the United States who are departing from or were otherwise present in the DRC within the previous 21 days of the date of the person's entry or attempted entry into the United States.

On March 2, 2021, I, the Director of the Centers for Disease Control and Prevention (CDC) (Director) issued an Order (Order) under 42 CFR 71.4, 71.20, 71.31, and 71.32 to: (1) All airlines and aircraft operators conducting passenger-carrying operations destined for the United States and transporting passengers departing from or who were otherwise present in the DRC or the Republic of Guinea (Guinea) within 21 days of the passenger's entry or attempted entry into the United States; and (2) all passengers destined for the United States departing from, or who were otherwise present in, the DRC or Guinea within the previous 21 days. The Order required these airlines and aircraft operators to collect and transmit, and passengers to provide, designated passenger manifest information to the United States Government.

The Order was issued in response to outbreaks of Ebola virus disease (EVD) that were identified in Guinea and the DRC in February 2021. Experience with previous EVD outbreaks (including the 2014–2016 EVD outbreak in West Africa) show that EVD can spread quickly between close contacts and within healthcare settings, often with high case fatality rates, and with substantial disruption and strain on healthcare services. Air travel has the potential to transport people, some of whom may have been exposed to a communicable disease, anywhere across the globe in less than 24 hours. The purpose of the Order was to ensure that health officials would have immediate access to accurate and complete contact information for passengers as they arrive in the United States to conduct timely public health follow up for anyone who may have been exposed to EVD.

For the reasons described below, I am hereby rescinding all requirements of the Order pertaining to the DRC. All requirements of the Order pertaining to Guinea remain in effect.

*Determination:*

EVD is a rare and deadly disease in people and nonhuman primates. People can get EVD through direct contact with an infected animal (bat or nonhuman primate) or a sick or dead person infected with Ebola virus. Signs and symptoms of Ebola include fever, severe headache, muscle pain, weakness, fatigue, vomiting, diarrhea, stomach pain, and unexplained bleeding. The incubation period for Ebola, from exposure to when signs or symptoms appear, can be anywhere from 2 to 21 days. The average incubation period is 8 to 10 days.

On February 7, 2021, the Ministry of Health (MOH) in the DRC announced that an EVD case had been confirmed in Biena Health Zone, North Kivu Province. Subsequent cases were confirmed. North Kivu was previously affected by EVD during the 2018–2020 Ebola outbreak, the largest in the DRC's history; this outbreak was declared over on June 25, 2020. Sequencing of samples suggested that cases were linked to cases in the area during the 2018–2020 outbreak and likely caused by a persistent infection in a survivor that led to either a relapse or sexual transmission of the virus.[1]

[1] *https://www.cdc.gov/vhf/ebola/outbreaks/drc/2021-february.html.*

Since March 1, 2021, there have been no new confirmed EVD cases reported in the DRC and all contacts of cases that were being monitored for EVD have passed the 21-day incubation period. With no new cases reported in the past 42 days (2 incubation periods) no remaining hospitalized patients with EVD, and no contacts of confirmed EVD cases still requiring monitoring, the potential risk for Ebola virus exposure in the DRC has greatly diminished. Therefore, CDC no longer requires contact information from passengers who were departing from or were otherwise present in the DRC.

For these reasons, I hereby determine that airline travelers destined for the United States who are departing from, or were otherwise present in, the DRC in the past 21 days are no longer at risk of exposure to Ebola virus. Therefore, all requirements of the Order pertaining to airlines, aircraft operators, and passengers destined for the United States and departing from or who were otherwise present in the DRC are hereby rescinded.

All requirements of the March 2, 2021 Order pertaining to Guinea remain in effect due to a recently confirmed case. The most recent case of EVD in Guinea was confirmed on April 3, 2021.

CDC may modify this Order by an updated publication in the **Federal Register** or by posting an advisory to follow at *www.cdc.gov.*

In testimony whereof, the Director, Centers for Disease Control and Prevention, United States Department for Health and Human Services, has hereunto set her hand at Atlanta, Georgia, this 29 day of April 2021.

## Authority

The CDC Director is issuing this Order pursuant to Sections 361 and 365 of the Public Health Service (PHS) Act, 42 U.S.C. 264 and 268, and implementing regulations at 42 CFR 71.4, 71.20, 71.31, and 71.32.

Dated: April 30, 2021.

**Sherri Berger,**

*Acting Chief of Staff, Centers for Disease Control and Prevention.*

[FR Doc. 2021–09470 Filed 4–30–21; 4:15 pm]

**BILLING CODE 4163–18–P**

---

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Centers for Medicare & Medicaid Services

## Privacy Act of 1974; Matching Program

**AGENCY:** Center for Consumer Information and Insurance Oversight (CCIIO), Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Notice of a new matching program.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a computer matching program between CMS and the Office of Personnel Management (OPM), ''Verification of Eligibility of Minimum Essential Coverage Under the Patient Protection and Affordable Care Act through an Office of Personnel Management Health Benefit Plan.''

**DATES:** The deadline for comments on this notice is June 3, 2021. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately June 8, 2021 to December 7, 2022) and within three months of expiration may be renewed for one additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

**ADDRESSES:** Interested parties may submit comments:

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: Centers for Medicare & Medicaid Services, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Location: N1–14–56, 7500 Security Blvd., Baltimore, MD 21244–1850.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the matching program, you may contact Anne Pesto, Senior Advisor, Marketplace Eligibility and Enrollment Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, at 410–786–3492, by email at *anne.pesto@cms.hhs.gov,* or by mail at 7500 Security Blvd., Baltimore, MD 21244.

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o)(2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the **Federal Register** as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

**Barbara Demopulos,**

*Privacy Officer, Division of Security, Privacy Policy and Governance, Office of Information Technology, Centers for Medicare & Medicaid Services.*

## Participating Agencies

The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Office of Personnel Management (OPM) is the source agency.

## Authority for Conducting the Matching Program

The principal authority for conducting the matching program is 42 U.S.C. 18001 *et seq.*

## Purpose(s)

The purpose of the matching program is to provide CMS with OPM data which CMS and state Administering Entities (AEs) need to determine individuals' eligibility for financial assistance in

paying for private health insurance coverage, under provisions of the Patient Protection and Affordable Care Act. In this matching program, OPM provides CMS with monthly data identifying each active federal employee's status as enrolled in or eligible for coverage under an OPM Health Benefit Plan, and an annual premium spread index file identifying the lowest premium available to a federal employee in each of 32 premium localities. CMS and AEs use the OPM data to verify whether an individual who is applying for or is enrolled in private health insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange is eligible for coverage under an OPM health benefit plan, for the purpose of determining if the individual is eligible for financial assistance (including an advance tax credit and cost sharing reduction, which are types of insurance affordability programs) in paying for the private coverage. OPM health benefit plans provide minimum essential coverage, and eligibility for such plans precludes eligibility for financial assistance in paying for private coverage.

**Categories of Individuals**

The categories of individuals whose information is involved in the matching program are:

- Active federal employees; and
- Consumers who apply for or are enrolled in a qualified health plan through an exchange established under the Patient Protection and Affordable Care Act and receive determinations of eligibility for insurance affordability programs.

**Categories of Records**

The categories of records used in the matching program are identity information about the above consumers, which are maintained by CMS, and identity information and minimum essential coverage period records about all active federal employees, and annual premium information, maintained by OPM. The data elements provided to CMS by OPM are as follows:

- Monthly status file:

a. Record type;
b. Record number;
c. Unique person ID;
d. Social security number;
e. Last name;
f. Middle name;
g. First name;
h. Last name suffix;
i. Gender;
j. Date of birth; and
k. Health plan code.

- Annual Premium Spread Index File:

a. State;
b. Plan;
c. Option;
d. Enrollment code;
e. Current total bi-weekly premium;
f. Future total bi-weekly premium;
g. Future government pays bi-weekly premium;
h. Future employee pays bi-weekly premium;
i. Future change in employee payment bi-weekly premium;
j. Current total monthly premium;
k. Future total monthly premium;
l. Future government pays monthly premium;
m. Future employee pays monthly premium; and
n. Future change in employee payment monthly premium.

CMS will not send any data about individual applicants or enrollees to OPM in order to receive this data from OPM.

**System(s) of Records**

The records used in the matching program are maintained in these systems of records:

- CMS Health Insurance Exchanges System (HIX), System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), and amended at 83 FR 6591 (Feb. 14, 2018).
- OPM/GOVT–1 General Personnel Records, last published in full at 77 FR 73694 (Dec. 11, 2012), and amended at 80 FR 42133 (July 16, 2015) and 80 FR 74815 (Nov. 30, 2015). The disclosures of OPM data to CMS are authorized by Routine Use ''rr''.

[FR Doc. 2021–09292 Filed 5–3–21; 8:45 am]

BILLING CODE 4120–03–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–10215]**

### 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 July 6, 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 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–10215 Identifying Medicaid Payment for Physician Administered Drugs*

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:* Extension of currently approved collection; *Title of Information Collection:* Identifying Medicaid Payment for Physician Administered Drugs; *Use:* States are required to provide for the collection and submission of utilization data for certain physician-administered drugs in order to receive federal financial participation for these drugs. Physicians, serving as respondents to states, submit National Drug Code numbers and utilization information for ''J'' code physician-administered drugs so that the states will have sufficient information to collect drug rebate dollars. *Form Number:* CMS–10215 (OMB control number: 0938–1026); *Frequency:* Weekly; *Affected Public:* Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 20,000; *Total Annual Responses:* 4,589,433; *Total Annual Hours:* 351,046. (For policy questions regarding this collection contact Michael Forman at 410–786–2666.)

Dated: April 29, 2021,

**William N. Parham, III**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2021–09360 Filed 5–3–21; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Request for Nominations to the Advisory Council on Alzheimer's Research, Care, and Services

**AGENCY:** Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Secretary of HHS established the Advisory Council on Alzheimer's Research, Care, and Services to provide advice and consultation to the Secretary on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Secretary signed the charter establishing the Advisory Council on May 23, 2011. *HHS is soliciting nominations for seven (7) new non-federal members of the Advisory Council to replace the seven (7) members whose terms will end September 30, 2021.* Nominations should include, at a minimum, the nominee's contact information (current mailing address, email address, and telephone number) and current curriculum vitae or resume.

**DATES:** Submit nominations by email or USPS mail before COB on May 31, 2021.

**ADDRESSES:** Nominations should be sent by email to: Helen Lamont, Ph.D., HHS Office of the Assistant Secretary for Planning and Evaluation, Room 424E, Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201, *helen.lamont@hhs.gov* and *napa@hhs.gov.*

**FOR FURTHER INFORMATION CONTACT:** Helen Lamont (202) 260–6075, *helen.lamont@hhs.gov.*

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Alzheimer's Research, Care, and Services meets quarterly to discuss programs that impact people with Alzheimer's disease and related dementias and their caregivers. The Advisory Council makes recommendations to Congress and the Secretary of Health and Human Services about ways to reduce the financial impact of Alzheimer's disease and related dementias and to improve the health outcomes of people with these conditions. The Advisory Council also provides feedback on a National Plan to Address Alzheimer's disease. On an annual basis, the Advisory Council evaluates the implementation of the recommendations through an updated National Plan. The National Alzheimer's Project Act, Public Law 111–375 (42 U.S.C. 11225), requires that the Secretary of Health and Human Services (HHS) establish the Advisory Council on Alzheimer's Research, Care, and Services. The Advisory Council is governed by provisions of Public Law 92–463 (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The Advisory Council consists of 22 members. Ten members are designees from Federal agencies including the Centers for Disease Control and Prevention, Administration for Community Living, Centers for Medicare and Medicaid Services, Indian Health Service, National Institutes of Health, National Science Foundation, Department of Veterans Affairs, Food and Drug Administration, Agency for Healthcare Research and Quality, and the Health Resources and Services Administration. The Advisory Council also consists of 12 non-federal members selected by the Secretary who represent 6 categories of people impacted by dementia: dementia caregivers (2), health care providers (2), representatives of State health departments (2), researchers with dementia-related expertise in basic, translational, clinical, or drug development science (2), voluntary health association representatives (2), and dementia patient advocates, including an advocate who is currently living with dementia (2). At this time, the Secretary shall appoint one caregiver, one healthcare provider, one representative of a State health department, one researcher, one voluntary health association representative, one dementia patient advocate, and one advocate who is a person living with dementia. These new members will replace the seven members whose terms will end on September 30, 2021. After receiving nominations, the Secretary, with input from his staff, will make the final decision, and the new members will be announced soon after. Members shall be invited to serve 4-year terms. The member living with dementia will serve a 2-year term. A member may serve after the expiration of the member's term until a successor has taken office. Members will serve as Special Government Employees.

Dated: April 30, 2021.

**Rebecca Haffajee,**

*Acting Assistant Secretary for Planning and Evaluation.*

[FR Doc. 2021–09363 Filed 5–3–21; 8:45 am]

**BILLING CODE 4150–05–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Eleventh Meeting of the National Clinical Care Commission

**AGENCY:** Office on Women's Health, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The National Clinical Care Commission (the Commission) will conduct its eleventh meeting virtually on May 19 and June 1, 2021. The Commission is charged to evaluate and make recommendations to the U.S. Department of Health and Human Services (HHS) Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

**DATES:** The two-day meeting will take place May 19 and June 1, 2021 from 1 p.m. to approximately 6 p.m. Eastern Time (ET).

**ADDRESSES:** The meeting will be held online via webinar. To register to attend the meeting, please visit the registration website at *https://kauffmaninc.adobeconnect.com/ncccmeeting11/event/event_info.html.*

**FOR FURTHER INFORMATION CONTACT:** Kara Elam, Ph.D., MPH, MS, Designated Federal Officer, National Clinical Care Commission, U.S. Department of Health and Human Services, Office on Women's Health, 200 Independence Ave. SW, 7th Floor, Washington, DC 20201, Phone: (240) 435–9438, Email: *Kara.Elam@hhs.gov.*

**SUPPLEMENTARY INFORMATION:** The National Clinical Care Commission Act (Pub. L. 115–80) requires the HHS Secretary to establish the National Clinical Care Commission. The Commission consists of representatives of specific federal agencies and non-federal individuals who represent diverse disciplines and views. The Commission will evaluate and make recommendations to the HHS Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

The eleventh meeting will be held virtually, and each subcommittee will present a summary of stakeholder calls and all draft recommendations. This will be followed by a discussion of the recommendations. The final meeting agenda will be available prior to the meeting at *https://health.gov/our-work/health-care-quality/national-clinical-care-commission/meetings.*

*Public Participation at Meeting:* The Commission invites public comment on issues related to the Commission's charge. There will be an opportunity for limited oral comments (each no more than 3 minutes in length) at this virtual meeting. Virtual attendees who plan to provide oral comments at the Commission meeting during a designated time must register prior to the meeting at *https://kauffmaninc.adobeconnect.com/ncccmeeting11/event/event_info.html.*

Written comments are welcome throughout the entire development process of the Commission's work and may be emailed to *OHQ@hhs.gov.* Written comments should not exceed three pages in length.

Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate the special accommodation when registering online or by notifying Jennifer Gillissen at *jennifer.gillissen@kauffmaninc.com* by May 10, 2021.

**Authority:** The National Clinical Care Commission is required under the National Clinical Care Commission Act (Pub. L. 115–80). The Commission is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: April 27, 2021.

**Dorothy A. Fink,**

*Deputy Assistant Secretary for Women's Health.*

[FR Doc. 2021–09277 Filed 5–3–21; 8:45 am]

BILLING CODE 4150–32–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Early Phase Psychosocial and Confirmatory Efficacy Clinical Trials.

*Date:* June 2, 2021.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Effectiveness Studies.

*Date:* June 3, 2021.

*Time:* 11:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Nicholas Gaiano, Ph.D., Review Branch, Chief Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6150/MSC 9606, 6001 Executive Boulevard, Bethesda, MD 20892–9606, 301–443–2742, *nick.gaiano@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 29, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–09375 Filed 5–3–21; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowship: Infectious Disease and Immunology B.
*Date:* May 20, 2021.
*Time:* 10:00 a.m. to 11:30 a.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Uma Basavanna, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1199, *uma.basavanna@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA RM20–022: Faculty Institutional Recruitment for Sustainable Transformation (FIRST) Program.
*Date:* June 4, 2021.
*Time:* 9:30 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Elia K. Ortenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7816, Bethesda, MD 20892, (301) 827–7189, *femiaee@csr.nih.gov*.

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiovascular Differentiation and Development Study Section.
*Date:* June 7, 2021.
*Time:* 9:30 a.m. to 7:30 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, Bethesda, MD 20817–7814, 301–435–0904, *sara.ahlgren@nih.gov*.

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.
*Date:* June 8–9, 2021.
*Time:* 10:00 a.m. to 6:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov*.

*Name of Committee:* Oncology 1-Basic Translational Integrated Review Group; Cancer Genetics Study Section.
*Date:* June 10–11, 2021.
*Time:* 9:00 a.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1256, *biesj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 29, 2021.

**Ronald J. Livingston, Jr.,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–09327 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–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 Special Emphasis Panel; Senescence-Cell Death Decisions in Aging.
*Date:* June 4, 2021.
*Time:* 12:30 p.m. to 5:30 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:* Joshua Jin-Hyouk Park, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496–6208, *joshua.park4@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 28, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–09328 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Prospective Grant of an Exclusive Patent License: Development and Commercialization of Cell Therapies for Cancer

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Ziopharm Oncology, Inc. (''Ziopharm''), headquartered in Boston, MA.

**DATES:** Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before May 19, 2021 will be considered.

**ADDRESSES:** Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240) 276–5484; Email: *andy.burke@nih.gov.*

**SUPPLEMENTARY INFORMATION:**

**Intellectual Property**

**Group A**

*E–190–2020: HLA Class I-Restricted T Cell Receptors Against RAS With G12V Mutation*

1. United States Provisional Patent Application No. 63/060,340, filed August 3, 2020 (NCI Reference E–190–2020–0–US–01) and U.S., PCT and foreign patent applications claiming priority to the aforementioned application.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the

fields of use may be limited to the following:

Fields of Use Applying to Intellectual Property Group A

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer to express T cell receptors reactive to mutated KRAS, as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are, (a) retrovirally-engineered peripheral blood T cell therapy products for the treatment of human cancers, and (b) CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Intellectual Property Group A is primarily directed to isolated T cell receptors (TCRs) reactive to mutated Kirsten rat sarcoma viral oncogene homolog (KRAS), within the context of several human leukocyte antigens (HLAs). Mutated KRAS, which plays a well-defined driver role in oncogenesis, is expressed by a variety of human cancers, including: Pancreatic, lung, endometrial, ovarian and prostate. Due to its restricted expression in precancerous and cancerous cells, this antigen may be targeted on mutant KRAS-expressing tumors with minimal normal tissue toxicity.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 13, 2021.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2021–09333 Filed 5–3–21; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. This meeting is a virtual meeting and is open to the public. Written comments will be accepted and registration is required to present oral comments. Information about the meeting and registration are available at *https://ntp.niehs.nih.gov/go/165.*

**DATES:** Meeting: Scheduled for June 8, 2021, 12:30 p.m.–5:00 p.m. Eastern Daylight Time (EDT). Written Public Comment Submissions: Deadline is June 1, 2021. Registration for Oral Comments: Deadline is June 1, 2021.

**ADDRESSES:** Meeting web page: The preliminary agenda, registration, and other meeting materials are available at *https://ntp.niehs.nih.gov/go/165.* Virtual Meeting: The URL for viewing the virtual meeting will be provided on the meeting web page.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sheena Scruggs, Designated Federal Official for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2–03, Research Triangle Park, NC 27709. Phone: 984–287–3355, Fax: 301–451–5759, Email: *sheena.scruggs@nih.gov.* Hand Deliver/Courier address: 530 Davis Drive, Room K2130, Morrisville, NC 27560.

**SUPPLEMENTARY INFORMATION:** The BSC will provide input to the NTP on programmatic activities and issues. The preliminary agenda topics include presentations from two of the Division of the National Toxicology Program (DNTP)'s research program areas. The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting web page (*https://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Designated Federal Official for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting web page.

*Meeting Attendance Registration:* The meeting is open to the public with time scheduled for oral public comments. Registration is not required to view the virtual meeting; the URL for the virtual meeting is provided on the BSC meeting web page (*https://ntp.niehs.nih.gov/go/165*). TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

*Written Public Comments:* NTP invites written public comments. Guidelines for public comments are available at *https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

The deadline for submission of written comments is June 1, 2021. Written public comments should be submitted through the meeting web page. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP web page, and the submitter will be identified by name, affiliation, and sponsoring organization (if any).

*Oral Public Comment Registration:* The agenda allows for two formal public comment periods—one comment period for each program area (up to 3 commenters, up to 5 minutes per speaker, per topic). Persons wishing to make an oral comment are required to register online at *https://ntp.niehs.nih.gov/go/165* by June 1, 2021. Oral comments will be received only during the formal comment periods indicated on the preliminary agenda. Oral comments will only be by teleconference line. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Registration is on a first-come, first-served basis. Each organization is allowed one time slot per topic. After the maximum number of speakers per comment period is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. Commenters will be notified approximately one week

before the meeting about the actual time allotted per speaker.

If possible, oral public commenters should send a copy of their slides and/or statement or talking points to *NTP-Meetings@icf.com* by June 1, 2021.

*Meeting Materials:* The preliminary meeting agenda is available on the meeting web page (*https://ntp.niehs.nih.gov/go/165*) and will be updated one week before the meeting. Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

*Background Information on the BSC:* The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, epidemiology, risk assessment, carcinogenesis, mutagenesis, cellular biology, computational toxicology, neurotoxicology, genetic toxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets periodically. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended.

The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: April 15, 2021.

**Brian R. Berridge,**

*Associate Director, National Toxicology Program.*

[FR Doc. 2021–09331 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PAR20–072, NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

*Date:* May 27, 2021.

*Time:* 10:00 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G45, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Vanitha Sundaresa Raman, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G45, Rockville, MD 20852, 301–761–7949, *vanitha.raman@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 28, 2021.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–09268 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Prospective Grant of an Exclusive Patent License: Natural Product Based Nanoparticles as Dietary Management and/or Treatment of Inflammatory Related Diseases

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to MaDu, LLC located at 2025 Broadway, Suite 23E, New York, NY 10023.

**DATES:** Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before May 19, 2021 will be considered.

**ADDRESSES:** Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Michelle A. Favila, Ph.D., Technology Transfer Manager, National Institutes of Health, NCI Technology Transfer Center by email (*michelle.favila@nih.gov*).

**SUPPLEMENTARY INFORMATION:**

**Intellectual Property**

*HHS Ref No. E–154–2018–0: Binary Lipid Bilayer-Containing Vesicles Comprising Embedded Cytotoxic Agents and Methods of Making and Using the Same*

1. United States Provisional Patent Application No. No. 62/697,287 filed July 12, 2018. [HHS Ref No. E–154–2018–0–US–01]
2. International Patent Application No. PCT/US2019/041464 filed July 11, 2019. [HHS Ref. No. E–154–2018–0–PCT–02]
3. Canadian Patent Application No. 3106008 filed July 11, 2019. [HHS Ref No. E–154–2018–0–CA–03]
4. European Patent Application 19746275.7 filed July 11, 2019. [HHS Ref No. E–154–2018–0–EP–04]
5. Japanese Patent Application 2021–500734 filed July 11, 2019. [HHS Ref No. E–154–2018–0–JP–05] and
6. United States Patent Application 17/259,499 filed January 11, 2021 [HHS Ref No. E–154–2018–0–US–01]

The patent and patent application rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and will be less than the full patent term and the field of use may be limited to the following: Development and commercialization of the Binary Lipid Nanoparticle encapsulating known natural products curcumin, vitamin D, and/or L-serine that are Generally Recognized as Safe for use as medical foods, as defined by the FDA, or over-the-counter products for the management of pain and inflammatory-related diseases. The prospective licensee plans to develop Medical Foods, which is defined by the FDA as

''food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.''

This technology discloses formulation and methods of using novel stealth lipid nanoparticles that have a high stability and payload capacity. Combination of these nanoparticles with selected agents may have various medical applications for cancer and anti-inflammatory indications.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 16, 2021.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2021–09332 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

*Date:* May 26, 2021.

*Time:* 10:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240–191–4281, *capecet2@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 28, 2021.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–09270 Filed 5–3–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Prospective Grant of an Exclusive Patent License: Development and Commercialization of Cell Therapies for Cancer

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this notice to Athenex, Inc. (''Athenex'') headquartered in Buffalo, NY.

**DATES:** Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before May 19, 2021 will be considered.

**ADDRESSES:** Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Suna Gulay French, Ph.D., Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240) 276–5530; Email: *suna.gulay@nih.gov.*

**SUPPLEMENTARY INFORMATION:**

**Intellectual Property**

**Group A**

*E–237–2017–0/2: T Cell Receptors Recognizing Mutated P53*

1. US Provisional Patent Application 62/565,383, filed September 29, 2017 (E–237–2017–0–US–01);
2. International Patent Application PCT/US2018/051285, filed September 17, 2018 (E–237–2017–2–PCT–01);
3. Australian Patent Application 2018342246, filed September 17, 2018 (E–237–2017–2–AU–02);
4. Brazilian Patent Application BR112020006012–7, filed September 17, 2018 (E–237–2017–2–BR–03);
5. Canadian Patent Application 3077024, filed September 17, 2018 (E–237–2017–2–CA–04);
6. Chinese Patent Application 201880074539.8, filed September 17, 2018 (E–237–2017–2–CN–05);
7. Costa Rica Patent Application 2020–0170, filed September 17, 2018 (E–237–2017–2–CR–06);
8. Eurasian Patent Application 202090757, filed September 17, 2018 (E–237–2017–2–EA–07);
9. European Patent Application 18780006.5, filed September 17, 2018 (E–237–2017–2–EP–08);
10. Israeli Patent Application 273515, filed September 17, 2018 (E–237–2017–2–IL–09);
11. India Patent Application 202047013911, filed September 17, 2018 (E–237–2017–2–IN–10);
12. Japanese Patent Application 2020–517556, filed September 17, 2018 (E–237–2017–2–JP–11);
13. Korean Patent Application 2020–7012344, filed September 17, 2018 (E–237–2017–2–KR–12);
14. Mexico Patent Application MX/a/2020/003504, filed September 17, 2018 (E–237–2017–2–MX–13);
15. New Zealand Patent Application 763023, filed September 17, 2018 (E–237–2017–2–NZ–14);
16. Singapore Patent Application 11202002636P, filed September 17, 2018 (E–237–2017–2–SG–15);

17. United States Utility Patent Application 16/651,242, filed September 17, 2018 (E–237–2017–2–US–16); and

18. Hong Kong Patent Application 62020021272.3, filed November 30, 2020 (E–237–2017–2–HK–17).

*E–135–2019: T Cell Receptors Recognizing R175H or Y220C Mutation in P53*

1. US Provisional Patent Application 62/867,619, filed June 27, 2019 (E–135–2019–0–US–01);

2. International Patent Application PCT/US2020/039785, filed June 26, 2020 (E–135–2019–0–PCT–02); and

3. Taiwanese Patent Application 109121744, filed June 26, 2020 (E–135–2019–0–TW–03).

*E–173–2020: T Cell Receptors Recognizing R273C or Y220C Mutation in P53*

1. US Provisional Patent Application 63/074,747, filed September 4, 2020 (E–173–2020–0–US–01).

*E–098–2018: T Cell Receptors Which Recognize Mutated EGFR*

1. US Provisional Patent Application 62/665,234, filed May 1, 2018 (E–098–2018–0–US–01);

2. International Patent Application PCT/US2019/030108, filed May 1, 2019 (E–098–2018–0–PCT–02);

3. Australian Patent Application 2019263233, filed May 1, 2019 (E–098–2018–0–AU–03);

4. Canadian Patent Application 3,099,106, filed May 1, 2019 (E–098–2018–0–CA–04);

5. European Patent Application 19723615.1, filed May 1, 2019 (E–098–2018–0–EP–05); and

6. United States Utility Patent Application 17/051,860, filed May 1, 2019 (E–098–2018–0–US–06).

*E–165–2020: HLA Class II-Restricted DRB T Cell Receptors Against RAS With G12D Mutation*

1. US Provisional Application 63/050,931, filed July 13, 2020 (E–165–2020–0–US–01).

*E–172–2020: HLA Class II-Restricted DRB T Cell Receptors Against RAS With G12V Mutation*

1. US Provisional Application 63/052,502, filed July 16, 2020 (E–172–2020–0–US–01).

*E–189–2020: HLA Class II-Restricted DQ T Cell Receptors Against RAS With G13D Mutation*

1. US Provisional Application 63/086,674, filed October 2, 2020 (E–189–2020–0–US–01).

*E–190–2020: HLA Class I-Restricted T Cell Receptors Against RAS With G12V Mutation*

1. US Provisional Application 63/060,340, filed August 3, 2020 (E–190–2020–0–US–01).

**Group B**

*E–237–2017–1: Methods of Isolating T Cells Having Antigenic Specificity for a P53 Cancer-Specific Mutation*

1. US Provisional Patent Application 62/565,464, filed September 29, 2017 (E–237–2017–1–US–01);

2. International Patent Application PCT/US2018/051280, filed September 17, 2018 (E–237–2017–1–PCT–02);

3. Australian Patent Application 2018342245, filed September 17, 2018 (E–237–2017–1–AU–03);

4. Canadian Patent Application 3080274, filed September 17, 2018 (E–237–2017–1–CA–04);

5. Chinese Patent Application 201880063656.4, filed September 17, 2018 (E–237–2017–1–CN–05);

6. European Patent Application 18782605.2, filed September 17, 2018 (E–237–2017–1–EP–06);

7. Israeli Patent Application 273516, filed September 17, 2018 (E–237–2017–1–IL–07);

8. Japanese Patent Application 2020–517553, filed September 17, 2018 (E–237–2017–1–JP–08);

9. Korean Patent Application 2020–7012343, filed September 17, 2018 (E–237–2017–1–KR–09);

10. Singapore Patent Application 11202002635R, filed September 17, 2018 (E–237–2017–1–SG–10);

11. United States Utility Patent Application 16/650,696, filed September 17, 2018 (E–237–2017–1–US–11); and

12. Hong Kong Patent Application 62020021274.9, filed November 30, 2020 (E–237–2017–1–HK–12).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the following:

Fields of Use Applying to Intellectual Property Group A

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered via retrovirus and lentivirus-mediated gene transfer to express T cell receptors reactive to mutated p53, KRAS and EGFR within the context of multiple HLAs, as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are, (a) transposon-engineered peripheral blood T cell therapy products for the treatment of human cancers, and (b) CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture, and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Fields of Use Applying to Intellectual Property Group B

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered via retrovirus and lentivirus-mediated gene transfer to express T cell receptors reactive to mutated P53, isolated as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are, (a) transposon-engineered peripheral blood T cell therapy products for the treatment of human cancers, and (b) CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture, and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Intellectual Property Group A description is as follows:

E–237–2017–0, E–135–2019 and E–173–2020 patent rights are primarily directed to isolated TCRs reactive to mutated tumor protein 53 (TP53 or P53), within the context of several HLAs. *P53* is the archetypal tumor suppressor gene and the most frequently mutated gene in cancer. Contemporary estimates suggest that >50% of all tumors carry mutations in *P53.* Because of its prevalence in cancer and its restricted expression to precancerous and cancerous cells, this antigen may be targeted on mutant P53-expressing tumors with minimal normal tissue toxicity.

E–165–2020, E–172–2020, E–189–2020 and E–190–2020 patent rights are primarily directed to isolated TCRs reactive to mutated Kirsten rat sarcoma viral oncogene homolog (KRAS), within the context of several human leukocyte antigens (HLAs). Mutated KRAS, which plays a well-defined driver role in oncogenesis, is expressed by a variety of human cancers, including: Pancreatic, lung, endometrial, ovarian and prostate. Due to its restricted expression in precancerous and cancerous cells, this

antigen may be targeted on mutant KRAS-expressing tumors with minimal normal tissue toxicity.

E–098–2018 patent rights are primarily directed to isolated TCRs reactive to mutated epidermal growth factor receptor (EGFR), within the context of HLA DPA1*02:01 DPB1*01:01. EGFR is a transmembrane protein involved in cell growth and proliferation signaling. Mutations in the gene encoding EGFR can lead to its overexpression, causing several types of cancer (*e.g.,* non-small cell lung cancer (NSCLC)). Because of its prevalence in certain cancers and its restricted expression to precancerous and cancerous tissues, this antigen may be targeted on mutant EGFR-expressing tumors with minimal normal tissue toxicity.

Intellectual Property Group B description is as follows:

E–237–2017–1 patent rights are primarily directed to methods of rapidly isolating T cells which are reactive to mutated P53 antigens. Briefly, pools of 25-mer peptides covering all known P53 ''hotspot'' mutations have been generated. These peptides may be pulsed into autologous antigen presenting cells which are subsequently co-cultured with the patient's isolated T cells. Reactive T cells are then purified and may be used as source material for the further isolation of mutant P53-targeting TCRs.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 21, 2021.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2021–09330 Filed 5–3–21; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[L14400000 PN0000 HQ350000 212; OMB Control Number 1004–0012]**

### Agency information collection activities; Application for Land for Recreation or Public Purposes

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 6, 2021.

**ADDRESSES:** Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0012 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Susie Greenhalgh by email at *lgreenhalgh@blm.gov,* or by telephone at 202–302–4288. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. The BLM may not conduct, or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The BLM uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Public Purposes Act, 43 U.S.C. 869 to 869–4.

*Title of Collection:* Application for Land for Recreation or Public Purposes (43 CFR 2740 and 2912).

*OMB Control Number:* 1004–0012.

*Form Number:* 2740–01.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* State, Territory, County, and Local

governments; nonprofit corporations; and nonprofit associations.

*Total Estimated Number of Annual Respondents:* 23.

*Total Estimated Number of Annual Responses:* 23.

*Estimated Completion Time per Response:* 40 hours.

*Total Estimated Number of Annual Burden Hours:* 920.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* $2,300.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Darrin A. King,**

*Information Collection Clearance Officer.*

[FR Doc. 2021–09298 Filed 5–3–21; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NRNHL–DTS#–31837; 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 24, 2021, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by May 19, 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 24, 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:

**ARIZONA**

**Maricopa County**

Buckeye Woman's Club, 845 Monroe Ave., Buckeye, SG100006596

**ARKANSAS**

**Lawrence County**

Mount Zion Cemetery, West Fulbright Ave., Walnut Ridge, SG100006610

**CALIFORNIA**

**Riverside County**

Riviera Gardens, 290 East Simms Rd., 3100, 3125, 3133, and 3165 North Sunnyview Dr., 300 and, 330 East Molino Rd., Palm Springs, SG100006608

**CONNECTICUT**

**Litchfield County**

Canaan Pine Grove Association Camp Meeting, Address Restricted, Canaan vicinity, SG100006592

**New Haven County**

Congregation Mishkan Israel, 785 Ridge Rd., Hamden, SG100006598

**IOWA**

**Johnson County**

Iowa City Downtown Historic District, Roughly, South Clinton to South Gilbert Sts., Iowa Ave. to alley south of East College St., Iowa City, SG100006609

**KANSAS**

**Atchison County**

A. J. Harwi Hardware Company Building, 832 Commercial Street, Atchison, SG100006615

Howe, Edgar W., House, 20045 266th Rd., Atchison vicinity, SG100006616

**Cowley County**

Cowley County National Bank Building (Boundary Increase), 820–822 Main St. & 106–108 East 9th Ave., Winfield, BC100006617

**MASSACHUSETTS**

**Berkshire County**

East Otis Schoolhouse, 2 Old Blandford Rd., Otis, SG100006595

**Essex County**

Haskell, Captain Robert, House, 680 Hale St., Beverly, SG100006593

**Middlesex County**

Jones, Colonel Timothy, House, 231 Concord Rd., Bedford, SG100006594

**MISSISSIPPI**

**De Soto County**

Holiday Inn University, 7300 Hacks Cross Rd., Olive Branch, SG100006591

**Harrison County**

St. Matthew Evangelical Lutheran Church, 1301 31st Ave., Gulfport, SG100006590

**MISSOURI**

**Jackson County**

St. John's High School and Seminary, 2015–2131 East 72nd St., Kansas City, SG100006589

**NEW JERSEY**

**Morris County**

Cobb-Smith House, 460 South Beverwyck Rd., Parsippany-Troy Hills Township, SG100006613

**Somerset County**

Mount Zion African Methodist Episcopal (AME) Church, 189 Hollow Rd., Montgomery Township, SG100006611

Lane-Voorhees House, 551 Milltown Rd., Bridgewater Township, SG100006612

**PENNSYLVANIA**

**Philadelphia County**

Germantown Jewish Centre, 400 West Ellet St., Philadelphia, SG100006587

U.S. Mint Building at Philadelphia, 1700 Spring Garden St., Philadelphia, SG100006588

**WISCONSIN**

**Portage County**

Clark Street-Main Street Historic District, Roughly bounded by Prentice, Clark, Freemont, and Main Sts., Stevens Point, SG100006599

Additional documentation has been received for the following resources:

**TENNESSEE**

**Anderson County**

Oak Ridge Historic District (Additional Documentation), (Oak Ridge MPS), Roughly bounded by East Dr., W. Outer Dr., Louisiana and Tennessee Aves., Oak Ridge, AD91001109

**Shelby County**

Wildwood Farms (Additional Documentation), 2737 S. Germantown Rd., Germantown, AD100001371

One Hundred North Main Building (Additional Documentation), 100 N. Main St. Mall, Memphis, AD15000187

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

**WYOMING**

**Natrona County**

Alcova Redoubt, Address Restricted, Alcova vicinity, SG100006603

**Authority:** Section 60.13 of 36 CFR part 60.

Dated: April 27, 2021.

**Sherry Frear,**

*Chief, National Register of Historic Places/National Historic Landmarks Program.*

[FR Doc. 2021–09324 Filed 5–3–21; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

**[DOI–2020–0016; RR81300000, 212R5065C6, RX.59189825.2008813]**

### Privacy Act of 1974; System of Records

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Rescindment of a system of records notice.

**SUMMARY:** The Department of the Interior (DOI) is issuing a public notice of its intent to rescind the Bureau of Reclamation (Reclamation) Privacy Act system of records notice, INTERIOR/WBR–11, Identification/Security Cards. This system of records notice was superseded by a Department-wide system of records notice, INTERIOR/DOI–46, Physical Security Access Files; however, it was never formally rescinded.

**DATES:** These changes take effect on May 4, 2021.

**ADDRESSES:** You may send comments identified by docket number [DOI–2020–0016] by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number [DOI–2020–0016] in the subject line of the message.
- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

*Instructions:* All submissions received must include the agency name and docket number [DOI–2020–0016]. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

You should be aware your entire comment including your personally identifiable information, such as your address, phone number, email address, or any other personal information in your comment, may be made publicly available at any time. While you may request to withhold your personally identifiable information from public review, we cannot guarantee we will be able to do so.

**FOR FURTHER INFORMATION CONTACT:** Regina Magno, Associate Privacy Officer, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225, *privacy@usbr.gov* or (303) 445–3326.

**SUPPLEMENTARY INFORMATION:** Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, Reclamation is rescinding the system of records notice, INTERIOR/WBR–11, Identification/Security Cards, and removing it from its inventory. This system was used to manage physical security operations and access to Reclamation controlled buildings and facilities.

During a review of Reclamation's system of records notices, it was determined that this system is no longer needed since the records are covered by a published Department-wide system of records notice, INTERIOR/DOI–46, Physical Security Access Files, 85 FR 3406 (January 21, 2020). Therefore, Reclamation is rescinding this system of records notice to avoid duplication of existing system of records notices in accordance with the Office of Management and Budget Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.*

Rescinding the INTERIOR/WBR–11, Identification/Security Cards, system of records notice will have no adverse impacts on individuals as the records are covered by and maintained under an existing published DOI system of records notice. This rescindment will promote the overall streamlining and management of DOI Privacy Act systems of records. This notice hereby rescinds the INTERIOR/WBR–11, Identification/Security Cards, system of records notice as identified below.

**SYSTEM NAME AND NUMBER:**

INTERIOR/WBR–11, Identification/Security Cards.

**HISTORY:**

65 FR 6393 (February 9, 2000); modification published at 73 FR 20949 (April 17, 2008).

Signed:

**Teri Barnett,**

*Departmental Privacy Officer, Department of the Interior.*

[FR Doc. 2021–09373 Filed 5–3–21; 8:45 am]

**BILLING CODE 4332–90–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–464 and 731–TA–1160 (Second Review)]**

### Prestressed Concrete Steel Wire Strand from China

**Determinations**

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping and countervailing duty orders on prestressed concrete steel wire strand from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

**Background**

The Commission instituted these reviews on September 1, 2020 (85 FR 54401) and determined on December 7, 2020 that it would conduct expedited reviews (86 FR 18297, April 8, 2021).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on April 29, 2021. The views of the Commission are contained in USITC Publication 5189 (April 2021), entitled *Prestressed Concrete Steel Wire Strand from China: Investigation Nos. 701–TA–464 and 731–TA–1160 (Second Review).*

By order of the Commission.

Issued: April 29, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–09374 Filed 5–3–21; 8:45 am]

**BILLING CODE 7020–02–P**

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–831]**

### Importer of Controlled Substances Application: VHG Labs DBA LGC Standards

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** VHG Labs DBA LGC Standards has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 3, 2021. Such persons may also file a written request for a hearing on the application on or before June 3, 2021.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on April 21, 2021, VHG Labs DBA LGC Standards, 3 Perimeter Road, Manchester, New Hampshire 03103, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Fentanyl related-compounds as defined in 21 CFR 1308.11(h) | 9850 | I |
| Oxycodone | 9143 | II |
| Hydromorphone | 9150 | II |

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2021–09302 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–828]**

### Importer of Controlled Substances Application: Wildlife Laboratories, LLC

**AGENCY:** Drug Enforcement. Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Wildlife Laboratories, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 3, 2021. Such persons may also file a written request for a hearing on the application on or before June 3, 2021.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on April 8, 2021, Wildlife Laboratories, LLC, 1230 W Ash Street, Unit D, Windsor, Colorado 80550–4677, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Etorphine HCl | 9059 | II |
| Thiafentanil | 9729 | II |

The company plans to import the listed controlled substances for distribution to its customers. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2021–09300 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–830]**

### Bulk Manufacturer of Controlled Substances Application: Cargill, Incorporated

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Cargill, Inc., has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2021. Such persons may also file a written request for a hearing on the application on or before July 6, 2021.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on March 31, 2021, Cargill, Incorporated, 17540 Monroe Wapello Road, Eddyville, Iowa 52553, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Gamma Hydroxybutyric Acid | 2010 | I |

The company plans to bulk manufacture butanediol as a raw material for industrial and consumer products. Gamma Hydroxybutyric Acid will be manufactured as a byproduct and an impurity waste of butanediol. The company does not plan to bulk manufacture this drug. No other activities for this drug code are authorized for this registration.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2021–09301 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

### Fee Waiver Request; Correction

**AGENCY:** Executive Office for Immigration Review, Department of Justice.

**ACTION:** 60-Day notice; correction.

**SUMMARY:** The Executive Office for Immigration Review, Department of Justice, submitted a 60-day notice for publishing in the **Federal Register** on March 4, 2021 soliciting comments to an information collection request *Fee Waiver Request,* to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Please disregard the duplicate 60-day notice, which was inadvertently published on April 28, 2020.

**DATES:** April 29, 2020.

**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:**

#### Correction

The 60-day notice for the *Fee Waiver Request* was published in the **Federal Register** of March 4, 2021 in FR Doc. 2021–04418, on page 12713. Please disregard the duplicate published on April 28, 2021 in FR Doc. 2021–08807, on page 22457.

Dated: April 29, 2021.

**Melody Braswell,**

*Departmental Clearance Officer.*

[FR Doc. 2021–09370 Filed 5–3–21; 8:45 am]

**BILLING CODE 4410–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of Intent To Reestablish the Advisory Committee on Apprenticeship (ACA) Charter and Request for Member Nominations

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Labor (Secretary) has determined that the reestablishment of the Advisory Committee on Apprenticeship (ACA or Committee) is necessary and in the public interest. The Department of Labor (DOL) intends to reestablish the ACA charter with revisions which are not intended to change the Committee's purpose or original intent. The revisions update the charter to ensure its closer alignment with the Department's current apprenticeship priorities. Additionally, DOL is requesting nominations of qualified candidates to be considered for appointment to the ACA.

**DATES:** The reestablishing ACA charter will be filed May 19, 2021. ACA member nominations must be received by June 3, 2021.

**ADDRESSES:** DOL has adopted a maximum telework posture in response to the COVID–19 pandemic. As such, nominations for individuals to serve on the ACA should be submitted electronically. Interested persons may submit ACA nominations, including relevant attachments, through any of the following methods:

*Electronically:* Send to: *AdvisoryCommitteeonApprenticeship@dol.gov* (and please specify in the email subject line, ''Nominations for Advisory Committee on Apprenticeship (ACA).''

*If you do not have access to an electronic means of submission*: please call the Office of Apprenticeship on (202) 693–3795, and leave a message and someone will coordinate a mail submission; however, the Department highly encourages electronic submissions as provided above.

*Mail, express delivery, messenger service, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship, ACA, Room C– 5321, 200 Constitution Avenue NW, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** For any questions concerning the ACA nomination process, please contact Ms. Kenya Huckaby, Executive Assistant, Employment and Training Administration, Office of Apprenticeship, at *Huckaby.Kenya@dol.gov,* telephone (202) 693–3795 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Registered Apprenticeship is a unique public private partnership that is highly dependent on the engagement and involvement of its stakeholders and partners for its ongoing operational effectiveness. Apart from the ACA, there is no single organization or group with the broad representation of labor, employers, and the public available to consider the complexities and relationship of apprenticeship activities to other training efforts or to provide advice on such matters to the Secretary. It is particularly important to have such perspectives as DOL considers the expansion of registered apprenticeship, fundamentally instilling a permanent culture of inclusion in our workforce, and supports our Nation's economic recovery in the aftermath of the COVID–19 pandemic. The ACA's insight and recommendations on the best ways to address critical apprenticeship issues to meet the emerging needs of industry, labor, and the public is critical. For these reasons, the Secretary has determined that the reestablishment of a national advisory committee on apprenticeship is necessary and in the public interest.

There is currently no active charter for the ACA as the previous ACA charter expired on December 19, 2018. The pending charter has been revised to ensure alignment with current DOL priorities in the following four sections: (1) Objectives and Scope of Activities; (2) Description of Duties; (3) Designated Federal Officer (DFO); and (4) Membership and Designation.

Summary of the Charter Changes:

1. The Objectives and Scope of Activities section has been updated to reflect the current priorities of the Administration and charge the ACA with providing advice and recommendations on ways to better utilize the apprenticeship training model in order to provide equitable career pathways that advance the dignity of work for everyone.

2. The Description of Duties section has been updated to allow the ACA to engage with a variety of stakeholders and attend site and field visits, in conjunction with committee meetings, in order to visit and explore innovative and emerging apprenticeship models and best practices that can help inform their work. It further calls for the ACA to provide an interim report within six months of the charter's filing and establishes a biennial reporting cycle.

3. The DFO section has been revised to reflect the return of DFO responsibilities to the Office of Apprenticeship Administrator, who served as DFO historically.

4. The Membership and Designation section has been updated to reflect the inclusion of representation of active or recently completed youth apprentices (ages 16–24), additional *ex officio* members, and program participants.

The ACA is being reestablished in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The ACA is charged providing advice and recommendations to the Secretary on a variety of apprenticeship issues. The ACA's duties include assembling, reviewing, and assessing information relating to accelerating the expansion of apprenticeship. In providing advice and recommendations to the Secretary, the ACA will hold regular meetings with agendas that are prepared with guidance provided by the Department; engage with a variety of stakeholders, to include site and field visits, as appropriate; review and provide feedback on research, policies, best practices, and industry and employment trends; and consult with experts and practitioners for information and expertise pertinent to Committee duties and priorities as needed. The ACA will submit to the Secretary an interim report with recommendations on the following:

1. the development and implementation of policies, legislation, and regulations affecting the National Registered Apprenticeship system;

2. strategies to expand apprenticeships into new industries and sectors including, but not limited to, cybersecurity, clean energy, advanced manufacturing, information technology, and healthcare;

3. identify partnerships that can help ensure equitable access and expand participation of nontraditional apprenticeship populations and communities; and

4. develop a plan to convene sector leaders and experts to establish specific frameworks of industry recognized occupational standards.

The ACA will submit to the Secretary no later than June 1 of every odd-numbered year its report which provides advice and recommendations on the following:

1. strategies to expand, modernize, and diversify the National Apprenticeship model;

2. recommendations on how to streamline and increase flexibility to ensure the National Apprenticeship system can better meet the current and future workforce needs; and

3. recommendations to ensure equitable access for all workers to participate and succeed in National Apprenticeship system.

The ACA will consist of a range or 27–30 voting members that represent labor, employers, and the public:

- Employers or Industry Associations
- Labor or Joint Labor-Management Organizations
- Members of the Public, that represent one of the following: State apprenticeship agencies/councils; State or local workforce development board; community-based organizations; career and technical education schools, or local educational agency; postsecondary education and training providers; providers of industry recognized credentials; apprenticeship intermediaries; or active or recently completed youth apprentices (age 16–24).

The ACA will be solely advisory in nature, and will consider testimony, reports, comments, research, evidence, and existing practices as appropriate to develop recommendations for inclusion in its final reports to the Secretary. Members of the ACA serve without compensation, but will be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707), consistent with the availability of funds. Each ACA member will serve at the pleasure of the Secretary for a specified term. The Secretary may also appoint members to fill any ACA vacancies for the unexpired portions of the term.

*Nomination Process:* Any interested person or organization may nominate one or more qualified individuals for membership on the ACA. If you would like to nominate yourself or another person for appointment to the ACA, you must include the following information as part of the application:

- A copy of the nominee's resume;
- A cover letter that provides your reason(s) for nominating the individual, including a description of the relevant experience and subject-matter expertise of that person concerning the development of a skilled workforce through quality apprenticeship programs, and the member category or categories for which the individual would like to be considered;
- If the nominee is an active or recently completed youth apprentices (age 16–24), you must include a letter of support from your apprenticeship sponsor where you are currently enrolled or recently completed your apprenticeship; and
- Contact information for the nominee (name, title, business address, business phone, fax number, and business email address).

In addition, the cover letter must represent that the ACA nominee has agreed to be nominated and is willing to serve on the ACA. Please do not include any information in your nomination submission that you do not want publicly disclosed. In selecting ACA members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. Nominees will be appointed based upon their demonstrated qualifications, professional experience, and demonstrated knowledge of issues related to the scope and purpose of the ACA, as well as the need to obtain a diverse range of views on this important subject.

**Suzan G. LeVine,**

*Principal Deputy Assistant Secretary.*

[FR Doc. 2021–09267 Filed 5–3–21; 8:45 am]

**BILLING CODE 4510–FR–P**

---

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2010–0057]**

### Telecommunications 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 Telecommunications Standard.

**DATES:** Comments must be submitted (postmarked, sent, or received) by July 6, 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–2010–0057). 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 collection of information in accordance with the Paperwork Reduction Act (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).

Under the paperwork requirements specified by paragraph (c) of the Standard, an employer must certify that his or her workers have been trained as specified by the training provision of the Standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collected will be used by employers as well as by compliance officers to determine whether employees have been trained according to the requirements set forth in 29 CFR 1910.268(c).

## 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 that OMB extend its approval of the information collection requirements contained in the Standard on Telecommunications (29 CFR 1910.268). OSHA is proposing an adjustment increase to the existing burden hour estimate for the information collection requirements specified by the Standard from 5,349 hours to 5,499 hours, for a total increase of 150 hours. Based on updated data, the agency found that the number of establishments decreased as well as the number of workers. 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:* Telecommunications (29 CFR part 1910.268).

*OMB Control Number:* 1218–0225.

*Affected Public:* Business or other for-profits.

*Number of Respondents:* 256,413.

*Frequency of Responses:* On occasion.

*Total Responses:* 256,413.

*Average Time per Response:* Various.

*Estimated Total Burden Hours:* 5,499.

*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–2010–0057). 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. Fredrick, 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.

**James S. Frederick,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2021–09335 Filed 5–3–21; 8:45 am]

**BILLING CODE 4510–26–P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and 71 comments from ten organizations were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

**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.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF 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.

**SUPPLEMENTARY INFORMATION:**

### Summary of Comments on the National Science Foundation Proposal and Award Policies and Procedures Guide and NSF's Responses

The draft NSF PAPPG was made available for review by the public on the NSF website at *http://www.nsf.gov/bfa/dias/policy/.* NSF received 71 responses from 10 organizations in response to the First **Federal Register** notice published on December 14, 2020, at 85 FR 80823. All comments have been considered in the development of the proposed version. Please see *http://www.nsf.gov/bfa/dias/policy/.* A summary of the significant changes and clarifications to the PAPPG has been incorporated into the document.

*Title of Collection:* ''National Science Foundation Proposal & Award Policies & Procedures Guide.''

*OMB Approval Number:* 3145–0058.

*Type of Request:* Intent to seek approval to extend with revision an information collection for three years.

*Proposed Project:* The National Science Foundation Act of 1950 (Pub. L. 81–507) sets forth NSF's mission and purpose:

''To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. . . .''

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

NSF's core purpose resonates clearly in everything it does: Promoting achievement and progress in science and engineering and enhancing the potential for research and education to contribute to the Nation. While NSF's vision of the future and the mechanisms it uses to carry out its charges have evolved significantly over the last six decades, its ultimate mission remains the same.

*Use of the Information:* The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 50,000 proposals annually for new projects and makes approximately 11,000 new awards.

Support is made primarily through grants, contracts, and other agreements awarded to approximately 2,000 colleges, universities, academic consortia, nonprofit institutions, and small businesses. The awards are based mainly on merit evaluations of proposals submitted to the Foundation.

The Foundation has a continuing commitment to monitor the operations of its information collection to identify and address excessive reporting burdens as well as to identify any real or apparent inequities based on gender, race, ethnicity, or disability of the proposed principal investigator(s)/project director(s) or the co-principal investigator(s)/co-project director(s).

*Burden on the Public:* It has been estimated that the public expends an average of approximately 120 burden hours for each proposal submitted. Since the Foundation expects to receive approximately 43,500 proposals in FY 2021, an estimated 5,220,000 burden hours will be placed on the public.

The Foundation has based its reporting burden on the review of approximately 43,500 new proposals expected during FY 2021. It has been estimated that anywhere from one hour to 20 hours may be required to review a proposal. We have estimated that approximately 5 hours are required to review an average proposal. Each proposal receives an average of 3 reviews, resulting in approximately 652,500 hours per year.

The information collected on the reviewer background questionnaire (NSF 428A) is used by managers to maintain an automated database of

reviewers for the many disciplines represented by the proposals submitted to the Foundation. Information collected on gender, race, and ethnicity is used in meeting NSF needs for data to permit response to Congressional and other queries into equity issues. These data also are used in the design, implementation, and monitoring of NSF efforts to increase the participation of various groups in science, engineering, and education. The estimated burden for the Reviewer Background Information (NSF 428A) is estimated at 5 minutes per respondent with up to 10,000 potential new reviewers for a total of 833 hours.

The aggregate number of burden hours is estimated to be 5,873,333. The actual burden on respondents has not changed.

Dated: April 29, 2021.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2021–09388 Filed 5–3–21; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL TRANSPORTATION SAFETY BOARD

**[Docket No.: NTSB–2021–0005]**

## Proposed Information Collection; Comment Request; [OMB Control No. 3147–0001]

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** 60-Day notice of information collection; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the National Transportation Safety Board (NTSB) offers the public and Federal agencies the opportunity to comment regarding the NTSB's intent to submit an Information Collection Request (ICR) seeking reinstatement, with change, of a previously-approved information collection (IC) for which approval for Office of Management and Budget (OMB) Control No. 3147–0001 has expired. This 60-Day Notice informs the public and Federal agencies that they may submit comments directly to the NTSB regarding this IC.

**DATES:** Submit written comments regarding this proposed collection of information by July 6, 2021.

**ADDRESSES:** You may send comments, identified by Docket Number (No.) NTSB–2021–0005, by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.*
- *Email: rulemaking@ntsb.gov.*
- *Fax:* 202–314–6090.
- *Mail/Hand Delivery/Courier:* NTSB, Office of General Counsel, 490 L'Enfant Plaza East SW, Washington DC 20594.

*Instructions:* All submissions in response to this Notice must include Docket No. NTSB–2021–0005. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

*Docket:* For access to the docket, including comments received, go to *http://www.regulations.gov* and search under Docket No. NTSB–2021–0005. For a copy of the proposed revised Form 6120.1, email *rulemaking@ntsb.gov* and include ''NTSB–2021–0005'' in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Silbaugh, General Counsel, (202) 314–6080, *rulemaking@ntsb.gov.*

**SUPPLEMENTARY INFORMATION:** The NTSB issues Form 6120.1: Pilot/Operator Aircraft Accident/Incident Report to a surviving pilot or operator involved in an aircraft accident or serious incident that the agency intends to investigate. The OMB control number (3147–0001) associated with this form has since expired. Because the agency wishes to continue using the form with revisions, the NTSB plans to submit an Information Collection Request (ICR) seeking reinstatement, with change, of a previously-approved collection for which approval has expired. Specifically, the NTSB is updating the instructions by revising the address for its Western Pacific Regional (WPR) office, updating which regional office one reports to for accidents occurring in New Mexico and Mississippi, and informing all pilots and operators that the information provided on the form is subject to public release; notably, the agency is also updating the form's certification statement to include that by signing the document, the pilot/operator consents to the public release of the information contained therein.

The NTSB is also requesting additional information in the following sections of the form: Flight Crewmember, Flight Itinerary Information, and Weather Information at the Accident/Incident Site. For the Flight Crewmember section, the agency will include ''BasicMed'' to the list of options in the medical certification section; a column for ''Tailwheel'' time in the flight matrix; and blank spaces to provide the number of flight crew and passengers. For the Flight Itinerary Information, the agency is adding ''Certificate of Authorization'' to the list of Type of Air Traffic Control Clearance/Service. As for the Weather Information section, the agency is listing ''Electronic Flight Bag (EFB)—Application'' as an option followed by a blank space for the pilot/operator to specify the name of the electronic application. Moreover, the NTSB is concurrently correcting typographical errors throughout the document and eliminating outdated references to ''DUATS'' and fuel readings of ''100/130'' and ''115/145.''

Prior to submitting the ICR to the Office of Information and Regulatory Affairs, 5 CFR 1320.8(d)(1) requires agencies to provide a 60-day Notice in the **Federal Register** and otherwise consult with members of the public and affected agencies. Thus, through this Notice, the NTSB currently is soliciting public comments that include: (1) Whether the proposed collection is necessary for the NTSB to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the NTSB to enhance the quality, usefulness, and clarity of the IC; and (4) ways to minimize burden without reducing the quality of the IC.

This IC is necessary because the NTSB is statutorily required to promulgate regulations governing the notification and reporting of civil aircraft accidents; to investigate, determine and report on the probable cause of each accident; and to make safety recommendations to prevent similar accidents from occurring in the future. 49 U.S.C. 1131, 1132. In coordination with the Federal Aviation Administration (FAA), the NTSB is also required to classify accident and safety data and publish such data on a periodic basis. 49 U.S.C. 1119. To fulfill these statutory obligations, the agency must obtain detailed information about the pilot, crew, aircraft, and other circumstances related to an accident or incident at the start of each NTSB investigation. This information allows the agency to: (1) Determine the appropriate course of action in an investigation; (2) make safety recommendations and facilitate safety improvements in the aviation industry; and (3) classify and publish accident and safety data.

Since the NTSB is the only Federal agency charged with investigating aircraft accidents and incidents, and has priority over all other agencies in this role, the NTSB will be the only agency distributing this accident and incident report form; thus, this NTSB form is not duplicative of any other IC. While under 49 U.S.C. 1132(c), the FAA participates in NTSB aircraft accident investigations and may oversee some investigative activities on behalf of the NTSB, the NTSB's priority over aircraft accident

investigations ensures no duplicative ICs from pilots or operators.

*Title of Collection:* Pilot/Operator Aircraft Accident/Incident Report.

*OMB Control Number:* 3147–0001.

*Form Number:* NTSB 6120.1.

*Type of Review:* Reinstatement, with change, of a previously-approved collection for which approval has expired.

*Affected Public:* Individuals or households.

*Total Estimated Annual Burden Hours:* 1,400.

*Estimated Average Burden Hours per Respondent:* 1.

*Frequency of Response:* On occasion.

*Total Estimated No. of Annual Responses:* 1,400.

The Chairman of the National Transportation Safety Board, Robert L. Sumwalt III, having reviewed and approved this document, is delegating the authority to electronically sign this document to Brian Curtis, who is the Deputy Managing Director for Investigations, for purposes of publication in the **Federal Register** during the COVID–19 pandemic.

**Brian Curtis,**

*Deputy Managing Director for Investigations.*

[FR Doc. 2021–09382 Filed 5–3–21; 8:45 am]

**BILLING CODE 7533–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0094]**

## Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of one amendment request. The amendment request is for Susquehanna Steam Electric Station. For the amendment request, the NRC proposes to determine that it involves no significant hazards consideration (NSHC). Because the amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

**DATES:** Comments must be filed by June 3, 2021. A request for a hearing or petitions for leave to intervene must be filed by July 6, 2021. Any potential party as defined in section 2.4 of title 10 of the Code of Federal Regulations (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by May 14, 2021.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0094. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Obtaining Information and Submitting Comments

#### *A. Obtaining Information*

Please refer to Docket ID NRC–2021–0094, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0094.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

#### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0094, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

### II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a

determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of an amendment containing SUNSI.

**III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The Commission has made a proposed determination that the following amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

*A. Opportunity To Request a Hearing and Petition for Leave To Intervene*

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR

2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

*B. Electronic Submissions (E-Filing)*

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

## SUSQUEHANNA NUCLEAR, LLC AND ALLEGHENY ELECTRIC COOPERATIVE, INC.; SUSQUEHANNA STEAM ELECTRIC STATION, UNIT 2; LUZERNE COUNTY, PA

| | |
|---|---|
| Docket No(s) | 50–388. |
| Application Date | November 5, 2020. |
| ADAMS Accession No. | ML20310A231. |
| Location in Application of NSHC | Pages 14–15 of Enclosure 1. |
| Brief Description of Amendment(s) | The proposed amendment would modify Technical Specification 3.8.7, ''Distribution Systems—Operating,'' which will temporarily extend the completion time to allow replacement of two transformers. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Damon D. Obie, Esq, 835 Hamilton St., Suite 150, Allentown, PA 18101. |
| NRC Project Manager, Telephone Number | Sujata Goetz, 301–415–8004. |

**Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation**

**Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Unit 2; Luzerne County, PA**

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov*, respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

*It is so ordered.*

Dated: April 9, 2021.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

| Day | Event/Activity |
|---|---|
| 0 | Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests. |
| 10 | Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding. |
| 60 | Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply). |
| 20 | U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). |
| 25 | If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access. |
| 30 | Deadline for NRC staff reply to motions to reverse NRC staff determination(s). |
| 40 | (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI. |
| A | If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff. |
| A + 3 | Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order. |
| A + 28 | Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline. |
| A + 53 | (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI. |
| A + 60 | (Answer receipt +7) Petitioner/Intervenor reply to answers. |
| >A + 60 | Decision on contention admission. |

[FR Doc. 2021–07669 Filed 5–3–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0096]**

## Control of Heavy Loads at Nuclear Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1381, ''Control of Heavy Loads at Nuclear Facilities.'' This DG is a proposed new regulatory guide to endorse selected national consensus standards related to heavy load handling that replace NRC technical reports. The national consensus standards provide greater flexibility in the selection of lifting equipment and have incorporated recent operating experience to provide a more accurate risk-informed perspective of heavy load handling activities.

**DATES:** Submit comments by June 3, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

guides currently being developed or improvements in all published guides are encouraged at any time.

**ADDRESSES:** You may submit comments by any of the following methods, however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0096. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Steven R. Jones, Office of Nuclear Reactor Regulation, telephone: 301–415–2712, email: *Steve.Jones@nrc.gov;* or Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067, email: *Stanley.Gardocki@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2021–0096 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0096.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0096 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Additional Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, titled ''Control of Heavy Loads at Nuclear Facilities,'' is temporarily identified by its task number, DG–1381 (ADAMS Accession No. ML21006A335). The draft guide is a proposed new regulatory guide for control of heavy loads at nuclear facilities to provide reasonable assurance safety functions would be accomplished following handling system equipment failure. The existing guidance is contained in technical reports NUREG–0612, ''Control of Heavy Loads in Nuclear Power Plants,'' dated August 1980 (ADAMS Accession No. ML070250180) and NUREG–0554, ''Single Failure-Proof Cranes for Nuclear Power Plants,'' dated May 1979 (ADAMS Accession No. ML110450636). This guidance has not been updated and does not reflect a current risk-informed perspective regarding heavy load handling activities. To provide updated guidance, DG–1381 endorses, with clarifications, the following consensus standards:

• American Society of Mechanical Engineers (ASME) Standard (Std.) NML–1, ''Rules for the Movement of Loads Using Overhead Handling Equipment in Nuclear Facilities,'' 2019.

• ASME Std. NOG–1, ''Rules for Construction of Overhead and Gantry Cranes (Top Running Bridge, Multiple Girder),'' 2020.

• ASME Std. BTH–1, ''Design of Below-the-Hook Lifting Devices,'' 2017, Chapters 1 through 3.

The use of consensus standards where available is consistent with Commission Policy and provides updated information reflecting operating experience.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML21006A337). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

## III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–1381, if finalized, would not constitute backfitting as that term is defined in Section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR) ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in DG–1381, applicants and licensees are not required to comply with the positions set forth in DG–1381.

Dated: April 28, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2021–09275 Filed 5–3–21; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0074]**

## Environmental Assessments and Findings of No Significant Impact of Independent Spent Fuel Storage Facilities Decommissioning Funding Plans

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is publishing this notice regarding the issuance of a final Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for its review and approval of the initial and updated decommissioning funding plans (DFPs) submitted by independent spent fuel storage installation (ISFSI) licensees for each of the ISFSIs listed in the ''Discussion'' section of this document.

**DATES:** The EA and FONSI referenced in this document are available on May 4, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0074 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0074. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Donald Habib, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1035, email: *Donald.Habib@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

The NRC is considering the approval of the initial and updated DFPs submitted by ISFSI licensees. The NRC staff has prepared a final EA and FONSI determination for each of the initial and updated ISFSI DFPs in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation requires each holder of, or applicant for, a license under 10 CFR part 72 to submit a DFP for the NRC's review and approval. The DFP is to demonstrate the licensee's financial assurance, *i.e.,* that funds will be available to decommission the ISFSI. The NRC staff will later publish its financial analyses of the DFP submittals which will be available for public inspection in ADAMS.

### II. Discussion

The table in this notice includes the plant name, docket number, licensee, and ADAMS Accession Number for the final EA and FONSI determination for each of the individual ISFSIs. The table also includes the ADAMS Accession Numbers for other relevant documents, including the initial and updated DFP submittals. For further details with respect to these actions, see the NRC staff's Final EA and FONSI determinations which are available for public inspection in ADAMS and at *https://www.regulations.gov* under Docket ID NRC–2021–0074. For additional direction on accessing information related to this document, see the **ADDRESSES** section of this document.

FINDING OF NO SIGNIFICANT IMPACT

| | |
|---|---|
| Facility | Turkey Point Nuclear Generating Units 3 and 4. |
| Docket No. | 72–62. |
| Licensee | Florida Power & Light Company. |
| Proposed Action | The NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c). |
| Environmental Impact of Proposed Action | The NRC staff has determined that the proposed action, the review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment. |

FINDING OF NO SIGNIFICANT IMPACT—Continued

| | |
|---|---|
| Finding of No Significant Impact | The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Turkey Point Nuclear Generating Units 3 and 4. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Turkey Point Nuclear Generating Units 3 and 4 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required. |
| Available Documents | FPL, 2012. ISFSI DFPs, dated December 17, 2012. ADAMS Accession No. ML12354A134.<br>FPL, 2014. Reply to Request for Additional Information for Review of the DFPs Regarding the ISFSI, dated August 12, 2014. ADAMS Accession No. ML14225A655.<br>FPL, 2017. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 30, 2017. ADAMS Accession No. ML17093A722.<br>FPL, 2018. Response to Request for Additional Information Regarding Florida Power & Light/NextEra Decommissioning Funding Updates for ISFSI, dated April 3, 2018. ADAMS Accession No. ML18095A057.<br>NextEra Energy, 2015. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 27, 2015. ADAMS Accession No. ML15090A114.<br>U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' Washington, DC, dated August 2003. ADAMS Accession No. ML032540811.<br>U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information for Review of the DFPs for Florida Power & Light and NextEra Energy ISFSIs, dated May 23, 2014. ADAMS Accession No. ML14143A141.<br>U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Turkey Point Units 3 and 4 ISFSI DFP, dated June 22, 2016. ADAMS Accession No. ML16174A331.<br>U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Florida Power & Light/NextEra DFP Updates for St. Lucie, Units 1 and 2; Seabrook Station; Duane Arnold Energy Center; and Point Beach, Units 1 and 2 ISFSIs, dated February 27, 2018. ADAMS Package Accession No. ML18058A051.<br>U.S. Nuclear Regulatory Commission. Final EA and FONSI for Florida Power & Light Company's Initial and NextEra Energy's Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Turkey Point Nuclear Generating Units 3 and 4 ISFSI, dated April 21, 2021. ADAMS Package Accession No. ML21062A055. |
| Facility | St. Lucie Plant Units 1 and 2. |
| Docket No. | 72–61. |
| Licensee | Florida Power & Light Company. |
| Proposed Action | The NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c). |
| Environmental Impact of Proposed Action | The NRC staff has determined that the proposed action, the review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize or changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment. |
| Finding of No Significant Impact | The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of the St. Lucie Plant Units 1 and 2. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the St. Lucie Plant Units 1 and 2 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required. |
| Available Documents | FPL, 2012. ISFSI DFPs, dated December 17, 2012. ADAMS Accession No. ML12354A134.<br>FPL, 2014. Reply to Request for Additional Information for Review of the DFPs Regarding the ISFSI, dated August 12, 2014. ADAMS Accession No. ML14225A655.<br>FPL, 2017. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 30, 2017. ADAMS Accession No. ML17093A722.<br>FPL, 2018. Response to Request for Additional Information Regarding Florida Power & Light/NextEra Decommissioning Funding Updates for ISFSI, dated April 3, 2018. ADAMS Accession No. ML18095A057. |

FINDING OF NO SIGNIFICANT IMPACT—Continued

| | |
|---|---|
| | NextEra Energy, 2015. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 27, 2015. ADAMS Accession No. ML15090A114.<br>U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' Washington, DC, dated August 2003. ADAMS Accession No. ML032540811.<br>U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information for Review of the DFPs for Florida Power & Light and NextEra Energy ISFSIs, dated May 23, 2014. ADAMS Accession No. ML14143A141.<br>U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the St. Lucie Units 1 and 2 ISFSI DFP, dated June 22, 2016. ADAMS Accession No. ML16174A112.<br>U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Florida Power & Light/NextEra DFP Updates for St. Lucie, Units 1 and 2; Seabrook Station; Duane Arnold Energy Center; and Point Beach, Units 1 and 2 ISFSIs, dated February 27, 2018. ADAMS Package Accession No. ML18058A051.<br>U.S. Nuclear Regulatory Commission. Final EA and FONSI for Florida Power & Light Company's initial and NextEra Energy's Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for St. Lucie Plant Units 1 and 2 ISFSI, dated April 21, 2021. ADAMS Package Accession No. ML21062A061. |
| Facility | Point Beach Nuclear Plant Units 1 and 2. |
| Docket No. | 72–05. |
| Licensee | NextEra Energy Point Beach, LLC. |
| Proposed Action | The NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c). |
| Environmental Impact of Proposed Action | The NRC staff has determined that the proposed action, the review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment. |
| Finding of No Significant Impact | The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Point Beach Nuclear Plant Units 1 and 2. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Point Beach Nuclear Plant Units 1 and 2 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required. |
| Available Documents | FPL, 2012. ISFSI DFPs, dated December 17, 2012. ADAMS Accession No. ML12354A134.<br>FPL, 2014. Reply to Request for Additional Information for Review of the DFPs Regarding the ISFSI, dated August 12, 2014. ADAMS Accession No. ML14225A655.<br>FPL, 2017. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 30, 2017. ADAMS Accession No. ML17093A722.<br>FPL, 2018. Response to Request for Additional Information Regarding Florida Power & Light/NextEra Decommissioning Funding Updates for ISFSI, dated April 3, 2018. ADAMS Accession No. ML18095A057.<br>NextEra Energy, 2015. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 27, 2015. ADAMS Accession No. ML15090A114.<br>U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' Washington, DC, dated August 2003. ADAMS Accession No. ML032540811.<br>U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information for Review of the DFPs for Florida Power & Light and NextEra Energy ISFSIs, dated May 23, 2014. ADAMS Accession No. ML14143A141.<br>U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Point Beach Nuclear ISFSI DFP, dated October 19, 2016. ADAMS Accession No. ML16293A165.<br>U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Florida Power & Light/NextEra DFP Updates for St. Lucie, Units 1 and 2; Seabrook Station; Duane Arnold Energy Center; and Point Beach, Units 1 and 2 ISFSIs, dated February 27, 2018. ADAMS Package Accession No. ML18058A051. |

FINDING OF NO SIGNIFICANT IMPACT—Continued

| | |
|---|---|
| | U.S. Nuclear Regulatory Commission. Final EA and FONSI for Florida Power & Light Company's Initial and NextEra Energy's Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Point Beach Nuclear Plant Units 1 and 2 ISFSI dated April 21, 2021. ADAMS Package Accession No. ML21062A069. |
| Facility | Duane Arnold Energy Center. |
| Docket No. | 72–32. |
| Licensee | NextEra Energy Duane Arnold, LLC. |
| Proposed Action | The NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c). |
| Environmental Impact of Proposed Action | The NRC staff has determined that the proposed action, the review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment. |
| Finding of No Significant Impact | The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Duane Arnold Energy Center. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Duane Arnold Energy Center ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required. |
| Available Documents | FPL, 2012. ISFSI DFPs, dated December 17, 2012. ADAMS Accession No. ML12354A134.<br>FPL, 2014. Reply to Request for Additional Information for Review of the DFPs Regarding the ISFSI, dated August 12, 2014. ADAMS Accession No. ML14225A655.<br>FPL, 2017. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 30, 2017. ADAMS Accession No. ML17093A722.<br>FPL, 2018. Response to Request for Additional Information Regarding Florida Power & Light/NextEra Decommissioning Funding Updates for ISFSI, dated April 3, 2018. ADAMS Accession No. ML18095A057.<br>NextEra Energy, 2015. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 27, 2015. ADAMS Accession No. ML15090A114.<br>U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' Washington, DC, dated August 2003. ADAMS Accession No. ML032540811.<br>U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information for Review of the DFPs for Florida Power & Light and NextEra Energy ISFSIs, dated May 23, 2014. ADAMS Accession No. ML14143A141.<br>U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Duane Arnold Energy Center ISFSI DFP, dated July 27, 2016. ADAMS Accession No. ML16209A457.<br>U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Florida Power & Light/NextEra DFP Updates for St. Lucie, Units 1 and 2; Seabrook Station; Duane Arnold Energy Center; and Point Beach, Units 1 and 2 ISFSIs, dated February 27, 2018. ADAMS Package Accession No. ML18058A051.<br>U.S. Nuclear Regulatory Commission. Final EA and FONSI for Florida Power & Light Company's Initial and NextEra Energy's Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Duane Arnold Energy Center ISFSI, dated April 21, 2021. ADAMS Accession Package No. ML21062A092. |
| Facility | Seabrook Station Unit No. 1 |
| Docket Nos. | 72–63 |
| Licensee | NextEra Energy Seabrook, LLC. |
| Proposed Action | The NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs submitted in accordance with 10 CFR 72.30(b) and (c). |
| Environmental Impact of Proposed Action | The NRC staff has determined that the proposed action, the review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs, submitted in accordance with 10 CFR 72.30(b) and (c), will not authorize changes to licensed operations or maintenance activities, or result in changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of solid waste. Moreover, the approval of the initial and updated DFPs will not authorize any construction activity, facility modification, or other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action that will not have a significant impact on the environment. |

FINDING OF NO SIGNIFICANT IMPACT—Continued

| | |
|---|---|
| Finding of No Significant Impact | The proposed action does not require changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of Florida Power & Light Company's initial and NextEra Energy's updated DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of decontamination or decommissioning activities or license termination for the ISFSI or for other parts of Seabrook Station Unit No. 1. Therefore, the NRC staff determined that approval of the initial and updated DFPs for the Seabrook Station Unit No. 1 ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not required. |
| Available Documents | FPL, 2012. ISFSI DFPs, dated December 17, 2012. ADAMS Accession No. ML12354A134.<br>FPL, 2014. Reply to Request for Additional Information for Review of the DFPs Regarding the ISFSI, dated August 12, 2014. ADAMS Accession No. ML14225A655.<br>FPL, 2017. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 30, 2017. ADAMS Accession No. ML17093A722.<br>FPL, 2018. Response to Request for Additional Information Regarding Florida Power & Light/NextEra Decommissioning Funding Updates for ISFSI, dated April 3, 2018. ADAMS Accession No. ML18095A057.<br>NextEra Energy, 2015. Decommissioning Funding Status Reports/ISFSI Financial Assurance Update, dated March 27, 2015. ADAMS Accession No. ML15090A114.<br>U.S. Nuclear Regulatory Commission. 2003/08/31–NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report.'' Washington, DC, dated August 2003. ADAMS Accession No. ML032540811.<br>U.S. Nuclear Regulatory Commission. EA for Final Rule-Decommissioning Planning, dated February 1, 2009. ADAMS Accession No. ML090500648.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information for Review of the DFPs for Florida Power & Light and NextEra Energy ISFSIs, dated May 23, 2014. ADAMS Accession No. ML14143A141.<br>U.S. Nuclear Regulatory Commission. Note to File, Re: ESA Section 7 No Effect Determination for ISFSI DFP Reviews, dated May 15, 2017. ADAMS Accession No. ML17135A062.<br>U.S. Nuclear Regulatory Commission. Review of the Draft EA and FONSI for the Seabrook Station ISFSI DFP, dated August 17, 2017. ADAMS Accession No. ML17226A329.<br>U.S. Nuclear Regulatory Commission. Request for Additional Information Regarding Florida Power & Light/NextEra DFP Updates for St. Lucie, Units 1 and 2; Seabrook Station; Duane Arnold Energy Center; and Point Beach, Units 1 and 2 ISFSIs, dated February 27, 2018. ADAMS Package Accession No. ML18058A051.<br>U.S. Nuclear Regulatory Commission. Final EA and FONSI for Florida Power & Light Company's Initial and NextEra Energy's Updated DFPs Submitted in Accordance with 10 CFR 72.30(b) and (c) for Seabrook Station Unit No. 1 ISFSI, dated April 21, 2021. ADAMS Package Accession No. ML21062A145. |

Dated: April 28, 2021.

For the Nuclear Regulatory Commission.

**John B. McKirgan,**

*Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2021–09293 Filed 5–3–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52–025 and 52–026; NRC–2008–0252]**

## Southern Nuclear Operating Company, Inc; Vogtle Electric Generating Plant, Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Determination of the successful completion of inspections, tests, and analyses.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) staff has determined that specified inspections, tests, and analyses have been successfully completed, and that specified acceptance criteria are met for the Vogtle Electric Generating Plant (VEGP), Units 3 and 4.

**DATES:** Determinations of the successful completion of inspections, tests, and analyses for VEGP Units 3 and 4 are effective on the dates indicated in the NRC staff's verification evaluation forms for the inspections, tests, analyses, and acceptance criteria (ITAAC).

**ADDRESSES:** Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about Docket IDs to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST),

Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Cayetano Santos, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7270, email: *Cayetano.Santos@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Licensee Notification of Completion of ITAAC

Southern Nuclear Operating Company, Inc. (SNC) (hereafter called the licensee) has submitted ITAAC closure notifications (ICNs) under § 52.99(c)(1) of title 10 of the *Code of Federal Regulations* (10 CFR), informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses, and that the acceptance criteria are met for:

*VEGP Unit 3 ITAAC*

2.1.02.01 (12), 2.1.02.09b.ii (43), 2.1.02.12a.i (53), 2.1.03.13 (88), 2.2.01.07.i (107), 2.2.01.11a.i (114), 2.2.02.05c (130), 2.2.02.07a.iii (137), 2.2.03.08c.i.01 (177), 2.2.03.12a.iv (216), 2.2.04.01 (219), 2.2.05.01 (252), 2.3.01.03.ii (281), 2.3.02.08a.iii (303), 2.3.02.11a.i (309), 2.3.04.02.i (327), 2.3.04.02.ii (328), 2.3.04.04.i (330), 2.3.05.03b.iii (348), 2.3.06.12a.i (384), 2.3.08.02.i (415), 2.3.08.02.iii (417), 2.3.14.04 (480), 2.4.06.02 (504), 2.5.01.03b (512), 2.6.03.04b (602), 2.7.01.02a (678), 2.7.01.05.i (684), 3.3.00.02b (770), 3.3.00.02f (774), 3.3.00.02h (776), 3.3.00.07e (812), 3.3.00.13 (819), E.3.9.03.00.01 (847), E.3.9.05.01.08 (856), E.3.9.07.01.02 (866), E.3.9.08.01.01 (870), and E.3.9.08.01.02 (871).

*VEGP Unit 4 ITAAC*

2.3.03.03a (320) and 2.6.03.04b (602).

The ITAAC for VEGP Unit 3 are in Appendix C of the VEGP Unit 3 combined license (ADAMS Accession No. ML14100A106). The ITAAC for VEGP Unit 4 are in Appendix C of VEGP Unit 4 combined license (ADAMS Accession No. ML14100A135).

## II. Licensee ITAAC Post-Closure Notifications (IPCNs)

SNC has submitted an IPCN under 10 CFR 52.99(c)(2), informing the NRC of new information that materially alters the basis for determining either that inspections, tests, or analyses was performed as required, or that acceptance criteria are met for:

*VEGP Unit 4 ITAAC*

2.3.05.03a.ii (344).

## III. NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the specified inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met. The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF) for each ITAAC. The VEF is a form that represents the NRC staff's structured process for reviewing ICNs and IPCNs.

Each ICN presents a narrative description of how the ITAAC was completed. The NRC's ICN review process involves a determination on whether, among other things: (1) Each ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) each ICN provides sufficient information to demonstrate that the acceptance criteria of the ITAAC are met; and (3) any NRC inspections for the ITAAC have been completed and any ITAAC findings associated with that ITAAC have been closed. The NRC's review process for IPCNs is similar to that for ICNs but focuses on how the licensee addressed the new, material information giving rise to the IPCN.

The NRC staff's determination of the successful completion of these ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the NRC staff receives new information that suggests the NRC staff's determination on any of these ITAAC is incorrect, then the NRC staff will determine whether to reopen that ITAAC (including withdrawing the NRC staff's determination on that ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for these ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of these ITAAC can be found by selecting the link ''ITAAC Status Report'' on the NRC's websites: *https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html* and *https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html.*

This notice fulfills the NRC staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests, and analyses.

*Vogtle Electric Generating Plant Unit 3, Docket No. 5200025*

A complete list of the review status for VEGP Unit 3 ITAAC, including the submission date and ADAMS Accession Number for each ICN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found by selecting the link ''ITAAC Status Report'' at the NRC's website *https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html.*

*Vogtle Electric Generating Plant Unit 4, Docket No. 5200026*

A complete list of the review status for VEGP Unit 4 ITAAC, including the submission date and ADAMS Accession Number for each ICN and IPCN received, the ADAMS Accession Number for each VEF, and the ADAMS Accession Numbers for the inspection reports associated with these specific ITAAC, can be found by selecting the link ''ITAAC Status Report'' on the NRC's website *https://www.nrc.gov/reactors/new-reactors/col-holder/vog4.html.*

Dated: April 28, 2021.

For the Nuclear Regulatory Commission.

**Omar R. Lopez-Santiago,**

*Chief, Vogtle Project Office, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–09312 Filed 5–3–21; 8:45 am]

BILLING CODE 7590–01–P

---

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–528, 50–529, 50–530, and 72–44; NRC–2021–0100]**

## Palo Verde Nuclear Generating Station, Units 1, 2, and 3, and Independent Spent Fuel Storage Installation; Consideration of Approval of Transfer of Licenses

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Application for indirect transfer of license; opportunity to comment, request a hearing, and petition for leave to intervene.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC, the Commission) received and is considering approval of an indirect license transfer application filed by El Paso Electric Company (EPE) on March 18, 2021. The application seeks NRC approval of the indirect transfer of EPE's possession-only non-operating interests in Renewed Facility

Operating License Nos. NPF–41, NPF–51, and NPF–74 for Palo Verde Nuclear Generating Station (Palo Verde), Units 1, 2, and 3, respectively, and the general license for the Palo Verde Independent Spent Fuel Storage Installation (ISFSI) as a result of the acquisition of an approximately 33.3 percent membership interest in IIF US Holding 2 GP, LLC (IIF US 2 GP)—the general partner of IIF US Holding 2 LP (IIF US 2)—by a private individual, Anne Cleary, subsequent to the retirement and relinquishment of an approximately 33.3 percent IIF US 2 GP membership interest held by Dennis Clarke.

**DATES:** Comments must be filed by June 3, 2021. Requests for a hearing or petitions for leave to intervene must be filed by May 24, 2021.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0100. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–287–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Hearing.Docket@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Siva P. Lingam, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1564, email: *Siva.Lingam@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2021–0100 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0100.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for indirect transfer of the licenses dated March 18, 2021, is available in ADAMS under Accession No. ML21077A256.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0100 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Introduction

The NRC is considering the issuance of an order under § 50.80 and § 72.50 of title 10 of the *Code of Federal Regulations* (10 CFR) approving the indirect transfer of EPE's possession-only non-operating interests in Renewed Facility Operating License Nos. NPF–41, NPF–51, and NPF–74 for Palo Verde, Units 1, 2, and 3, respectively, and the general license for the Palo Verde ISFSI. The proposed indirect transfer of control is necessary as a result of the acquisition of an approximately 33.3 percent membership interest in IIF US 2 GP—the general partner of IIF US 2—by a private individual, Anne Cleary, subsequent to the retirement and relinquishment of an approximately 33.3 percent IIF US 2 GP membership interest held by Dennis Clarke.

According to the application, EPE currently owns a 15.8 percent tenant-in-common interest in, and holds possession-only rights in the Palo Verde NRC licenses. The other possession-only tenant in-common owners and their respective ownership interests are: Salt River Project Agricultural Improvement and Power District (17.49 percent); Southern California Edison Company (15.8 percent); Public Service Company of New Mexico (10.2 percent); Southern California Public Power Authority (5.91 percent); and Los Angeles Department of Water and Power (5.7 percent). Arizona Public Service Company (APS) owns a 29.1 percent tenant-in-common interest in, and holds both operating and possession rights in the Palo Verde NRC licenses. Pursuant to a Participation Agreement entered into in 1973 and amended multiple times since then, APS operates each of the Palo Verde units pursuant to the operating rights granted to it under the licenses. The proposed transfer implicates only an indirect upstream change in control over EPE's possession-only rights in the Palo Verde NRC licenses. The proposed transfer does not involve or implicate any change in EPE's rights and obligations under the Participation Agreement or any of the licenses, nor does it implicate APS's or any other possession-only co-owners' rights and obligations under the Participation Agreement or any of the licenses. The proposed transfer does not require or involve any change in APS's management or staffing of its nuclear organization or procedures or affect APS's technical qualifications to operate Palo Verde pursuant to the Participation Agreement and its licenses. Further, the lines of responsibility and authority of APS's nuclear organization are unaffected by the proposed transfer.

According to the application, IIF US 2 is an open-end fund, which means that investors can subscribe to and redeem from the fund from time to time. As of January 31, 2021, the passive

upstream limited partner investors in IIF US 2 were distributed in the aggregate by region as follows: U.S. (~20 percent); Canada (~12 percent); United Kingdom (U.K.) (~25 percent); Europe excluding U.K. (~17 percent); Japan (~10 percent); Middle East (~9 percent); Australia (~4 percent); Asia excluding Japan (~2 percent); and all other regions (less than 1 percent). To IIF US 2's knowledge, no single foreign passive upstream limited partner investor in IIF US 2 holds directly or indirectly through affiliates more than a 5-percent passive economic interest in the aggregate in IIF US 2. Following the transaction, EPE retained its own board of directors and principal officers all of whom are U.S. citizens. Further, all of EPE's upstream owners are U.S. entities controlled by U.S. citizens that are ultimately controlled by the IIF US 2 GP owners, all of whom are U.S. citizens. The limited partners in IIF US 2 and their passive upstream investors (foreign or domestic) are expressly prohibited from participating or taking part in the management or control of IIF US 2's business and have no power or authority to act for or on behalf of, or to bind, IIF US 2 or its subsidiaries, including EPE.

No physical changes to the facilities or operational changes are being proposed in the application.

The NRC's regulations at 10 CFR 50.80 and 10 CFR 72.50 state that no license, or any right thereunder, shall be transferred, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the indirect transfer of a license if the Commission determines that the proposed transfer will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

This proposed indirect transfer is separate from the proposed indirect transfer of Public Service Company of New Mexico's 10.2 percent tenant-in-common interest and possession-only rights in the Palo Verde NRC licenses, which the NRC is also currently reviewing. The **Federal Register** notice of consideration of approval of that transfer was published on January 27, 2021 (86 FR 7310).

## III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

## IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 20 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 20 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at

any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

**V. Electronic Submissions (E-Filing)**

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated March 18, 2021 (ADAMS Accession No. ML21077A256).

Dated: April 28, 2021.

For the Nuclear Regulatory Commission.

**Siva P. Lingam,**

*Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–09279 Filed 5–3–21; 8:45 am]

**BILLING CODE 7590–01–P**

## RAILROAD RETIREMENT BOARD

### Actuarial Advisory Committee With Respect to the Railroad Retirement Account; Notice of Public Meeting

Notice is hereby given in accordance with Public Law 92–463 that the Actuarial Advisory Committee will hold a virtual meeting on May 19, 2021, at 12:30 p.m. (Central Daylight Time), on the conduct of the 28th Actuarial Valuation of the Railroad Retirement System. The agenda for this meeting will include a discussion of the assumptions to be used in the 28th Actuarial Valuation. A report containing recommended assumptions and the experience on which the recommendations are based will be sent by the Chief Actuary to the Committee before the meeting.

The meeting will be open to the public. Persons wishing to submit written statements, make oral presentations, or attend the meeting should address their communications or notices to Patricia Pruitt (*Patricia.Pruitt@rrb.gov*) so that information on how to join the virtual meeting can be provided.

Dated: April 29, 2021.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2021–09377 Filed 5–3–21; 8:45 am]

**BILLING CODE 7905–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91698; File No. SR–CBOE–2021–027]**

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Operation of Its SPXPM Pilot Program

April 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to extend the operation of its SPXPM pilot program. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

**Rules of Cboe Exchange, Inc.**

* * * * *

Rule 4.13. Series of Index Options

* * * * *

**Interpretations and Policies**

.01–.12 No change.

.13 In addition to A.M.-settled S&P 500 Stock Index (''SPX'') options approved for trading on the Exchange pursuant to Rule 4.13, the Exchange may also list options on SPX whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (P.M.-settled third Friday-of-the-month SPX options series). The Exchange may also list options on the Mini-SPX Index (''XSP'') and Mini-RUT Index (''MRUT'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled''). P.M.-settled third Friday-of-the-month SPX options series and P.M.-settled XSP and MRUT options will be listed for trading for a pilot period ending [May 3] November 1, 2021.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

On February 8, 2013, the Securities and Exchange Commission (the ''Commission'') approved a rule change that established a Pilot Program that allows the Exchange to list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''SPXPM'').[5] On July 31, 2013, the Commission approved a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled XSP'').[6] On February 5, 2021, the Commission approved a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini Russell 2000 Index (''MRUT'' or ''Mini-RUT'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled MRUT'')[7] (together, SPXPM, P.M.-settled XSP, and P.M.-settled MRUT to be referred to herein as the ''Pilot Products'').[8] The Exchange has extended the pilot period numerous times, which, pursuant to Rule 4.13.13,[9] is currently set to expire on the earlier of May 3, 2021 or the date on which the pilot program is approved on a permanent basis.[10] The Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120) (the ''SPXPM Approval Order''). Pursuant to Securities Exchange Act Release No. 80060 (February 17, 2017), 82 FR 11673 (February 24, 2017) (SR–CBOE–2016–091), the Exchange moved third-Friday P.M.-settled options into the S&P 500 Index options class, and as a result, the trading symbol for P.M.-settled S&P 500 Index options that have standard third Friday-of-the-month expirations changed from ''SPXPM'' to ''SPXW.'' This change went into effect on May 1, 2017, pursuant to Cboe Options Regulatory Circular RG17–054.

[6] *See* Securities Exchange Act Release No. 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (the ''P.M.-settled XSP Approval Order'').

[7] *See* Securities Exchange Act Release No. 91067 (February 5, 2021), 86 FR 9108 (SR–2020–CBOE–116) (the ''P.M.-settled MRUT Approval Order'').

[8] For more information on the Pilot Products or the Pilot Program, *see* the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order.

[9] The Exchange recently relocated prior Rule 24.9, containing the provision which governs the Pilot Program, to current Rule 4.13. *See* SR–CBOE–2019–092 (October 4, 2019), which did not make any substantive changes to prior Rule 24.9 and merely relocated it to Rule 4.13.

[10] *See* Securities Exchange Act Release Nos. 71424 (January 28, 2014), 79 FR 6249 (February 3,

Continued

hereby proposes to further extend the end date of the pilot period to November 1, 2021.

During the course of the Pilot Program and in support of the extensions of the Pilot Program, the Exchange submits reports to the Commission regarding the Pilot Program that detail the Exchange's experience with the Pilot Program, pursuant to the SPXPM Approval Order,[11] the P.M.-settled XSP Approval Order,[12] and the P.M.-settled MRUT Approval Order.[13] Specifically, the Exchange submits annual Pilot Program reports to the Commission that contain an analysis of volume, open interest, and trading patterns. The analysis examines trading in Pilot Products as well as trading in the securities that comprise the underlying index. Additionally, for series that exceed certain minimum open interest parameters, the annual reports provide analysis of index price volatility and share trading activity. The Exchange also submits periodic interim reports that contain some, but not all, of the information contained in the annual reports. In providing the annual and periodic interim reports (the ''pilot reports'') to the Commission, the Exchange has previously requested confidential treatment of the pilot reports under the Freedom of Information Act (''FOIA'').[14]

The pilot reports both contain the following volume and open interest data:

(1) Monthly volume aggregated for all trades;

(2) monthly volume aggregated by expiration date;

(3) monthly volume for each individual series;

(4) month-end open interest aggregated for all series;

(5) month-end open interest for all series aggregated by expiration date; and

(6) month-end open interest for each individual series.

The annual reports also contain (or will contain) the information noted in Items (1) through (6) above for Expiration Friday, A.M.-settled, S&P 500 and RUT index options traded on Cboe Options, as well as the following analysis of trading patterns in the Pilot Products options series in the Pilot Program:

(1) A time series analysis of open interest; and

(2) an analysis of the distribution of trade sizes.

Finally, for series that exceed certain minimum parameters, the annual reports contain the following analysis related to index price changes and underlying share trading volume at the close on Expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given Expiration Friday with comparable price changes from a control sample. The data includes a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the Cboe Volatility Index (VIX), is provided; and

(2) a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money series. The data includes a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for randomly selecting the component securities, and sample periods are determined by the Exchange and the Commission. In proposing to extend the Pilot Program, the Exchange will continue to abide by the reporting requirements described herein, as well as in the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order.[15] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Pilot Program is consistent with the Exchange Act. The Exchange makes public on its website all data and analyses previously submitted to the Commission under the Pilot Program,[16] and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future.

The Exchange proposes the extension of the Pilot Program in order to continue to give the Commission more time to consider the impact of the Pilot Program. To this point, Cboe Options believes that the Pilot Program has been well-received by its Trading Permit Holders and the investing public, and the Exchange would like to continue to provide investors with the ability to trade SPXPM and P.M.-settled XSP and MRUT options. All terms regarding the trading of the Pilot Products shall continue to operate as described in the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order. The Exchange merely proposes herein to extend the term of the Pilot Program to November 1, 2021.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed extension of the Pilot Program will continue to provide greater opportunities for investors. Further, the Exchange believes that it has not experienced any adverse effects or

2014) (SR–CBOE–2014–004); 73338 (October 10, 2014), 79 FR 62502 (October 17, 2014) (SR–CBOE–2014–076); 77573 (April 8, 2016), 81 FR 22148 (April 14, 2016) (SR–CBOE–2016–036); 80386 (April 6, 2017), 82 FR 17704 (April 12, 2017) (SR–CBOE–2017–025); 83166 (May 3, 2018), 83 FR 21324 (May 9, 2018) (SR–CBOE–2018–036); 84535 (November 5, 2018), 83 FR 56129 (November 9, 2018) (SR–CBOE–2018–069); 85688 (April 18, 2019), 84 FR 17214 (April 24, 2019) (SR–CBOE–2019–023); 87464 (November 5, 2019), 84 FR 61099 (November 12, 2019) (SR–CBOE–2019–107); 88674 (April 16, 2020), 85 FR 22479 (April 22, 2020) (SR–CBOE–2020–036); and 90263 (October 23, 2020), 85 FR 68611 (October 29, 2020) (SR–CBOE–2020–100).

[11] *See supra* note 5.

[12] *See supra* note 6.

[13] *See supra* note 7.

[14] 5 U.S.C. 552.

[15] Pursuant to Securities Exchange Act Release No. 75914 (September 14, 2015), 80 FR 56522 (September 18, 2015) (SR–CBOE–2015–079), the Exchange added SPXPM and P.M.-settled XSP options to the list of products approved for trading during Extended Trading Hours (''ETH''). The Exchange will also include the applicable information regarding SPXPM and P.M.-settled XSP options that trade during ETH in its annual and interim reports.

[16] Available at *https://www.cboe.com/aboutcboe/legal-regulatory/national-market-system-plans/pm-settlement-spxpm-data.*

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

meaningful regulatory concerns from the operation of the Pilot Program. As such, the Exchange believes that the extension of the Pilot Program does not raise any unique or prohibitive regulatory concerns. Also, the Exchange believes that such trading has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index and RUT index. The extension of the Pilot Program will continue to provide investors with the opportunity to trade the desirable products of SPXPM and P.M.-settled XSP and MRUT, while also providing the Commission further opportunity to observe such trading of the Pilot Products.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all Cboe Options market participants, and the Pilot Products will be available to all Cboe Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Program to warrant its extension. The Exchange believes that, for the period that the Pilot Program has been in operation, it has provided investors with desirable products with which to trade. Furthermore, the Exchange believes that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Program. The Exchange further does not believe that the proposed extension of the Pilot Program will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on Cboe Options. To the extent that the continued trading of the Pilot Products may make Cboe Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become Cboe Options market participants.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed under Rule 19b–4(f)(6) [22] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Program prior to its expiration on May 3, 2021, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Program. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[24]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–027 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–027 and should be submitted on or before May 25, 2021.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09283 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

[25] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–544, OMB Control No. 3235–0604]**

### 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:*
Form 10–D.

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 this collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 10–D is a periodic report used by asset-backed issuers to file distribution and pool performance information pursuant to Rule 13a–17 (17 CFR 240.13a–17) or Rule 15d–17 (17 CFR 240.15d–17) of the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C.78a *et seq.*). The form is required to be filed within 15 days after each required distribution date on the asset-backed securities, as specified in the governing documents for such securities. The information provided by Form 10–D is mandatory and all information is made available to the public upon request. Form 10–D takes approximately 39.0 hours per response to prepare and is filed by approximately 8,258 respondents. We estimate that 75% of the 39.0 hours per response (29.25 hours) is prepared by the company for a total annual reporting burden of 241,547 hours (29.25 hours per response × 8,258 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09348 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–50, OMB Control No. 3235–0060]**

### 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:*
Form 8–K.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 8–K (17 CFR 249.308) is filed by issuers to satisfy their current reporting obligations pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o(d)) in connection with the occurrence of significant corporate events. The purpose of Form 8–K is to provide investors with prompt disclosure of material information so that investors will be able to make investment and voting decisions better informed and receive information more timely. We estimate that Form 8–K takes 9.2145 hours per response and is filed by 118,387 responses annually. We estimate that 75% of the 9.2145 hours per response (6.91087 hours) is prepared by the issuer for a total annual reporting burden of 818,158 hours (6.91087 hours per response × 118,387 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09353 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 34259; 812–15207]**

### HPS Corporate Lending Fund and HPS Investment Partners, LLC

April 29, 2021.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from Sections 18(a)(2), 18(c), 18(i) and Section 61(a) of the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain closed-end management investment companies that intend to elect to be regulated as business development companies (''BDCs'') to issue multiple classes of shares with varying sales loads and asset-based service and/or distribution fees.

**APPLICANTS:** HPS Corporate Lending Fund (the ''Current Fund'') and HPS Investment Partners, LLC (the ''Current Investment Adviser'').

**FILING DATES:** The application was filed on March 5, 2021, and amended on April 20, 2021.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email.

Hearing requests should be received by the Commission by 5:30 p.m. on May 24, 2021 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov.* Applicants: Yoohyun K. Choi, HPS Investment Partners, LLC, *kathy.choi@hpspartners.com;* Richard Horowitz, Esq., Dechert LLP, *richard.horowitz@dechert.com.*

**FOR FURTHER INFORMATION CONTACT:** Deepak Pai, Senior Counsel, at (202) 551–6876 or Trace Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

## Applicants' Representations

1. The Current Fund is a Delaware statutory trust that is an externally managed, non-diversified, closed-end management investment company that intends to elect to be regulated as a BDC under the Act.[1] The Current Fund's investment objective will be to produce current income while preserving capital, by investing primarily in newly originated secured debt. Prior to relying on the requested order, the Current Fund will have filed an election to be regulated as a BDC under the Act.

2. The Current Investment Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 and serves as investment adviser to the Current Fund.

3. Applicants seek an order to permit the Funds (defined below) to offer investors multiple classes of shares, interests or units of beneficial interest, as the case may be (''Shares'') with varying sales loads and asset-based service and/or distribution fees.

4. Applicants request that the order also apply to any continuously offered registered closed-end management investment company that elects to be regulated as a BDC that has been previously organized or that may be organized in the future for which the Current Investment Adviser or any entity controlling, controlled by, or under common control with the Current Investment Adviser, or any successor in interest to any such entity,[2] acts as investment adviser which periodically offers to repurchase its Shares pursuant to Rule 13e–4 under the Securities Exchange Act of 1934 (''Exchange Act'') and Section 23(c)(2) of the Act (each, a ''Future Fund'' and together with the Current Fund, the ''Funds'').[3]

5. As a BDC, the Current Fund is organized as a closed-end investment company, but will offer its Shares continuously, similar to an open-end management investment company. The Current Fund currently will only issue a single class of Shares, but anticipates that if the relief requested in its application is granted, then it may consider adding additional classes of Shares to its public offering. Shares of the Funds will not be offered or traded in a secondary market and will not be listed on any securities exchange and do not trade on an over-the-counter system.[4]

6. Each Fund is seeking the ability to offer multiple classes of Shares that may charge differing front-end sales loads, contingent deferred sales charges (''CDSCs''), an early withdrawal charge (''Repurchase Fee''), and/or annual asset-based service and/or distribution fees. Each class of Shares will comply with the provisions of Rule 2310 of the Financial Industry Regulatory Authority, Inc. (''FINRA'') Manual (''FINRA Rule 2310'').[5]

7. Any Share of a Fund that is subject to asset-based service or distribution fees shall convert to a class with no asset based service or distribution fees upon such Share reaching the applicable sales charge cap determined in accordance with FINRA Rule 2310. Further, if a class of Shares were to be listed on an exchange in the future, all other then-existing classes of Shares of the listing Fund will be converted into the listed class, without the imposition of any sales load, fee or other charge.

8. In order to provide a limited degree of liquidity to shareholders, Applicants state that each Fund may from time to time offer to repurchase Shares in accordance with Rule 13e–4 under the Exchange Act and Section 23(c)(2) of the Act. Applicants state further that repurchases of each Fund's Shares will be made at such times, in such amounts and on such terms as may be determined by the applicable Fund's board of directors or trustees in its sole discretion.

9. Each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of Shares offered for sale by the prospectus, as is required for open-end, multiple-class funds under Form N–1A. As if it were an open-end management investment company, each Fund will disclose fund expenses in shareholder reports,[6] and disclose in its prospectus any arrangements that result in breakpoints in, or elimination of, sales loads.[7] Each Fund will also comply with any requirements the Commission or FINRA may adopt regarding disclosure at the

[1] Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in Sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[3] Any Fund relying on this relief in the future will do so in compliance with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

[4] Applicants are not requesting relief with respect to any Fund listed on a securities exchange. Any Fund which relies on the relief requested herein will cease relying on such relief upon the listing of any class of its Shares on a securities exchange.

[5] Any reference to FINRA Rule 2310 includes any successor or replacement rule that may be adopted by FINRA.

[6] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Co. Act Rel. No. 26372 (Feb. 27, 2004) (adopting release).

[7] *See* Disclosure of Breakpoint Discounts by Mutual Funds, Investment Co. Act Rel. No. 26464 (June 7, 2004) (adopting release).

point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end management investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements as if those requirements applied to the Fund.[8] Each Fund will contractually require that any distributor of a Fund's Shares comply with such requirements in connection with the distribution of such Fund's shares.

10. Distribution fees will be paid pursuant to a plan of distribution adopted by each Fund in compliance with Rules 12b–1 and 17d–3 under the Act, as if those rules applied to closed-end funds electing to be regulated as BDCs, with respect to a class (a ''Distribution Plan'').

11. Each Fund will allocate all expenses incurred by it among the various classes of Shares based on the respective net assets of the Fund attributable to each such class, except that the net asset value and expenses of each class will reflect the expenses associated with the Distribution Plan of that class (if any), shareholder servicing fees attributable to a particular class (including transfer agency fees, if any) and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of the Fund's Shares will be borne on a pro rata basis by each outstanding Share of that class. Applicants state that each Fund will comply with the provisions of Rule 18f–3 under the Act as if it were an open-end management investment company.

12. Any Fund that imposes a CDSC will comply with the provisions of Rule 6c–10 (except to the extent a Fund will comply with FINRA Rule 2310 rather than FINRA Rule 2341, as such rule may be amended (''FINRA Rule 2341'')), as if that rule applied to BDCs. With respect to any waiver of, scheduled variation in, or elimination of the CDSC, a Fund will comply with the requirements of Rule 22d–1 under the Act as if the Fund were an open-end management investment company. Each Fund also will disclose CDSCs in accordance with the requirements of Form N–1A concerning CDSCs as if the Fund were an open-end management investment company.

13. Funds may impose a Repurchase Fee at a rate no greater than 2% of the shareholder's repurchase proceeds if the interval between the date of purchase of the Shares and the valuation date with respect to the repurchase of such Shares is less than a specified period. Any Repurchase Fee will apply equally to all shareholders of the applicable Fund, regardless of class, consistent with Section 18 of the Act and Rule 18f–3 under the Act. To the extent a Fund determines to waive, impose scheduled variations of, or eliminate any Repurchase Fees, it will do so consistently with the requirements of Rule 22d–1 under the Act as if the Repurchase Fee were a CDSC and as if the Fund were an open-end investment company and the Fund's waiver of, scheduled variation in, or elimination of, the Repurchase Fee will apply uniformly to all shareholders of the Fund.

## Applicants' Legal Analysis

*Multiple Classes of Shares*

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate Section 18(a)(2), which is made applicable to BDCs through Section 61(a) of the Act, because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of Shares of the Funds may be prohibited by Section 18(c), which is made applicable to BDCs through Section 61(a) of the Act, as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate Section 18(i) of the Act, which is made applicable to BDCs through Section 61(a) of the Act, because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under Section 6(c) from Sections 18(a)(2), 18(c) and 18(i) (which are made applicable to BDCs by Section 61(a) of the Act) to permit the Funds to issue multiple classes of Shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its Shares and provide investors with a broader choice of fee options. Applicants assert that the proposed BDC multiple class structure does not raise the concerns underlying Section 18 of the Act to any greater degree than open-end management investment companies' multiple class structures that are permitted by Rule 18f–3 under the Act.

## Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

1. Each Fund will comply with the provisions of Rules 6c–10 (except to the extent a Fund will comply with FINRA Rule 2310 rather than FINRA Rule 2341), 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, or any successor rules thereto, as if those rules applied to BDCs. In addition, each Fund will comply with FINRA Rule 2310, as amended from time to time, or any successor rule thereto, and will make available to any distributor of a Fund's shares all of the information necessary to permit the distributor to prepare client account statements in compliance with FINRA Rule 2231.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09385 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

[8] *See* Confirmation Requirements and Point of Sale Disclosure Requirements for Transactions in Certain Mutual Funds and Other Securities, and Other Confirmation Requirement Amendments, and Amendments to the Registration Form for Mutual Funds, Investment Co. Act Rel. No. 26341 (Jan. 29, 2004) (proposing release).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91699; File No. SR–CboeBZX–2021–031]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

April 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on May 3, 2021 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on May 3, 2021 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through November 1, 2021.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a))[6], contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[7] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange makes its annual data and analyses previously submitted to the Commission under the Pilot Program

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84480 (October 24, 2018), 83 FR 54635 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066) (''Notice''); 85181 (February 22, 2019), 84 FR 6842 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066); 88052 (January 27, 2020), 85 FR 5753 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–004); 88788 (April 30, 2020) 85 FR 27008 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–038); *and* 90255 (October 22, 2020) 85 FR 68378 (October 28, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–076).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] *See supra* note 5.

public on its website and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[8]

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on May 3, 2021. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[9] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[10]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[11] The Exchange merely proposes herein to extend the terms of the Pilot Programs to November 1, 2021.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will

[8] *See* Cboe Options Rule 4.13.13.

[9] *See supra* note 5.

[10] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[11] *See supra* note 5.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

continue to provide the investing public and other market participants with the opportunities to trade desirable products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all BZX Options market participants, and the Pilot Products will continue to be available to all BZX Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on BZX Options. To the extent that the continued trading of the Pilot Products may make BZX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become BZX Options market participants.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Programs prior to their expiration on May 3, 2021, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–031 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–031. 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

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeBZX–2021–031 and should be submitted on or before May 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09284 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–638, OMB Control No. 3235–0690]**

### 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:*
Form SF–3.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form SF–3 (17 CFR 239.45) is a short form registration statement used for non-shelf issuers of asset-backed securities to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form SF–3 takes approximately 1,380 hours per response and is filed by approximately 71 issuers annually. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information in the asset-backed securities market. We estimate that 25% of the 1,383.21 hours per response (345.80 hours) is prepared by the issuer for a total annual reporting burden of 24,552 hours (345.80 hours per response × 71 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09354 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91700; File No. SR–CboeEDGX–2021–022]**

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

April 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2021, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84481 (October 24, 2018), 83 FR 54624 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of

permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on May 3, 2021 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on November 2, 2020 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through November 1, 2021.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a)),[6] contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[7] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[8]

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on May 3, 2021. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot. This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program,

P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeEDGX–2018–037) (''Notice''); 85182 (February 22, 2019), 84 FR 6846 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeEDGX–2018–037); 88054 (January 27, 2020), 85 FR 5761 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2020–002); 88787 (April 30, 2020), 85 FR 26995 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2020–019); *and* 90253 (October 22, 2020) 85 FR 68390 (October 28, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR-CboeEDGX–2020–050).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] *See supra* note 5.

[8] *See* Cboe Options Rule 4.13.13.

the Exchange will continue to abide by the reporting requirements described in the Notice.[9] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange makes its annual data and analyses previously submitted to the Commission under the Pilot Program public on its website and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[10]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[11] The Exchange merely proposes herein to extend the terms of the Pilot Programs to November 1, 2021.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will continue to provide the investing public and other market participants with the opportunities to trade desirable products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all EDGX Options market participants, and the Pilot Products will continue to be available to all EDGX Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on EDGX Options. To the extent that the continued trading of the Pilot Products may make EDGX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become EDGX Options market participants.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public

[9] *See supra* note 5.

[10] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[11] *See supra* note 5.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6) [16] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Programs prior to their expiration on May 3, 2021, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

## 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–CboeEDGX–2021–022 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–CboeEDGX–2021–022. 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–CboeEDGX–2021–022 and should be submitted on or before May 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09285 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–66, OMB Control No. 3235–0066]**

## 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:*
Form S–8.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form S–8 (17 CFR 239.16b) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) is the primary registration statement used by eligible registrants to register securities to be issued in connection with an employee benefit plan. We estimate that Form S–8 takes approximately 27 hours per response to prepare and is filed by approximately 2,140 respondents. In addition, we estimate that 50% of the preparation time (13.5 hours) is completed in-house by the filer for a total annual reporting burden of 28,890 (13.5 hours per response × 2,140 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given

to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09349 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–334, OMB Control No. 3235–0380]**

### 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:*
Form F–10.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form F–10 (17 CFR 239.40) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) that may be used by a foreign private issuer that: Is incorporated or organized in Canada; has been subject to, and in compliance with, Canadian reporting requirements for at least 12 months; and has an aggregate market value of common stock held by non-affiliates of at least $75 million. The purpose of this information collection is to permit verification of compliance with securities law requirements and assure the public availability of such information. We estimate that Form F–10 takes 28.98 hours per response and is filed by 77 respondents. We further estimate that 25% of the 28.98 hours per response (7.25 hours) is prepared by the issuer for an annual reporting burden of 558 hours (7.25 hours per response × 77 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09351 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–058, OMB Control No. 3235–0065]**

### 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:*
Form S–1.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form S–1 (17 CFR 239.11) is used by domestic issuers who are not eligible to use other forms to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. Form S–1 takes approximately 653.5436 hours per response and is filed by approximately 894 respondents. We estimate that 25% of the 653.5436 hours per response (163.3859 hours) is prepared by the registrant for a total annual reporting burden of 146,067 hours (163.3859 hours per response × 894 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09350 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–61, OMB Control No. 3235–0073]**

### 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:*
Form S–3.

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 collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form S–3 (17 CFR 239.13) is a short form registration statement used by domestic issuers to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form S–3 takes approximately 467.4192 hours per response and is filed by approximately 1,647 issuers annually. We estimate that 25% of the 467.4195 hours per response (116.8548 hours) is prepared by the issuer for a total annual reporting burden of 192,460 hours (116.8548 hours per response × 1,647 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09347 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–610, OMB Control No.3235–0707]**

### 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:*
Form SF–1.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form SF–1 (17 CFR 239.44) is the registration statement for non-shelf issuers of assets-backed securities register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information in the asset-backed securities market. Form SF–1 takes approximately 1,384 hours per response and is filed by approximately 6 respondents. We estimate that 25% of the 1,384 hours per response (346 hours) is prepared by the registrant for a total annual reporting burden of 2,076 hours (346 hours per response × 6 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 29, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09352 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91697; File No. SR–CBOE–2021–026]**

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Renew Its Nonstandard Expirations Pilot Program Until November 1, 2021

April 28, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 16, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to renew an existing pilot program until November 1, 2021. The text of the proposed rule change is provided below.

[1] 15 U.S.C. 78s(b)(1).
[2] 17 CFR 240.19b–4.
[3] 15 U.S.C. 78s(b)(3)(A)(iii).
[4] 17 CFR 240.19b–4(f)(6).

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

**Rule 4.13. Series of Index Options**

(a)–(d) No change.

(e) Nonstandard Expirations Pilot Program.

(1)–(2) No change.

(3) Duration of Nonstandard Expirations Pilot Program. The Nonstandard Expirations Pilot Program shall be through [May 3]*November 1,* 2021.

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

On September 14, 2010, the Securities and Exchange Commission (the ''Commission'') approved a Cboe Options proposal to establish a pilot program under which the Exchange is permitted to list P.M.-settled options on broad-based indexes to expire on (a) any Friday of the month, other than the third Friday-of-the-month, and (b) the last trading day of the month.[5] On January 14, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Wednesday of month, other than those that coincide with an EOM.[6] On August 10, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Monday of month, other than those that coincide with an EOM.[7] Under the terms of the Nonstandard Expirations Pilot Program (''Program''), Weekly Expirations and EOMs are permitted on any broad-based index that is eligible for regular options trading. Weekly Expirations and EOMs are cash-settled and have European-style exercise. The proposal became effective on a pilot basis for a period of fourteen months that commenced on the next full month after approval was received to establish the Program [8] and was subsequently extended.[9] Pursuant to Rule 4.13(e)(3),[10] the Program is scheduled to expire on May 3, 2021. The Exchange believes that the Program has been successful and well received by its Trading Permit Holders and the investing public during that the time that it has been in operation. The Exchange hereby proposes to extend the Program until November 1, 2021. This proposal does not request any other changes to the Program.

Pursuant to the order approving the establishment of the Program, two months prior to the conclusion of the pilot period, Cboe Options is required to submit an annual report to the Commission, which addresses the following areas: Analysis of Volume & Open Interest, Monthly Analysis of Weekly Expirations & EOM Trading Patterns and Provisional Analysis of Index Price Volatility. The Exchange has submitted, under separate cover, the annual report in connection with the present proposed rule change. Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Program is consistent with the Exchange Act. The Exchange makes public all data and analyses previously submitted to the Commission under the Program,[11] and will make public any data and analyses it makes to the Commission under the Program in the future.

If, in the future, the Exchange proposes an additional extension of the Program, or should the Exchange propose to make the Program permanent (which the Exchange currently intends to do), the Exchange will submit an annual report (addressing the same areas referenced above and consistent with the order approving the establishment of the Program) to the Commission at least two months prior to the expiration date of the Program. The Exchange will also make this report public. Any positions established under the Program will not be impacted by the expiration of the Program.

The Exchange believes there is sufficient investor interest and demand in the Program to warrant its extension. The Exchange believes that the Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Furthermore, the Exchange has not experienced any adverse market effects with respect to the Program.

The Exchange believes that the proposed extension of the Program will not have an adverse impact on capacity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange

[5] *See* Securities Exchange Act Release 62911 (September 14, 2010), 75 FR 57539 (September 21, 2010) (order approving SR–CBOE–2009–075).

[6] *See* Securities Exchange Act Release 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (order approving SR–CBOE–2015–106).

[7] *See* Securities Exchange Act Release 78531 (August 10, 2016), 81 FR 54643 (August 16, 2016) (order approving SR–CBOE–2016–046).

[8] *Id.*

[9] *See* Securities Exchange Act Release 65741 (November 14, 2011), 76 FR 72016 (November 21, 2011) (immediately effective rule change extending the Program through February 14, 2013). *See also* Securities Exchange Act Release 68933 (February 14, 2013), 78 FR 12374 (February 22, 2013) (immediately effective rule change extending the Program through April 14, 2014); 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (immediately effective rule change extending the Program through November 3, 2014); 73422 (October 24, 2014), 79 FR 64640 (October 30, 2014) (immediately effective rule change extending the Program through May 3, 2016); 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (extending the Program through May 3, 2017); 80387 (April 6, 2017), 82 FR 17706 (April 12, 2017) (extending the Program through May 3, 2018); 83165 (May 3, 2018), 83 FR 21316 (May 9, 2018) (SR–CBOE–2018–038) (extending the Program through November 5, 2018); 84534 (November 5, 2019), 83 FR 56119 (November 9, 2018) (SR–CBOE–2018–070) (extending the Program through May 6, 2019); 85650 (April 15, 2019), 84 FR 16552 (April 19, 2019) (SR–CBOE–2019–022) (extending the Program through November 4, 2019); 87462 (November 5, 2019), 84 FR 61108 (November 12, 2019) (SR–CBOE–2019–104) (extending the Program through May 4, 2020); 88673 (April 16, 2020), 85 FR 22507 (April 22, 2020) (SR–CBOE–2020–035) (extending the Program through November 2, 2020); *and* 90262 (October 23, 2020) 85 FR 68616 (October 29, 2020) (SR–CBOE–2020–101) (extending the Program through May 3, 2021).

[10] The Exchange recently relocated prior Rule 24.9, containing the provision which governs the Program, to current Rule 4.13. *See* SR–CBOE–2019–092 (October 4, 2019), which did not make any substantive changes to prior Rule 24.9 and merely relocated it to Rule 4.13.

[11] Available at *https://www.cboe.com/aboutcboe/legal-regulatory/national-market-system-plans/non-standard-expiration-data.*

and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the Program has been successful to date and states that it has not encountered any problems with the Program. The proposed rule change allows for an extension of the Program for the benefit of market participants. Additionally, the Exchange believes that there is demand for the expirations offered under the Program and believes that that Weekly Expirations and EOMs will continue to provide the investing public and other market participants increased opportunities to better manage their risk exposure.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Program prior to its expiration on May 3, 2021, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Program. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[19]

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–026 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–026. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are

cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–026 and should be submitted on or before May 25, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–09282 Filed 5–3–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

**[License No. 06/06–0333]**

### Diamond State Ventures II, L.P.; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 06/06–0333 issued to Diamond State Ventures II, LP, said license is hereby declared null and void.

Small Business Administration.

**Thomas G. Morris,**

*Acting Associate Administrator, Director, Office of SBIC Liquidation, Office of Investment and Innovation.*

[FR Doc. 2021–09336 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF STATE

**[Public Notice 11420]**

### Extension of Waiver of Section 907 of the Freedom Support Act With Respect to Assistance to the Government of Azerbaijan

Pursuant to the authority contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Pub. L. 107–115), and E.O. 12163, as amended by E.O. 13346, I hereby determine and certify that extending the waiver of Section 907 of the FREEDOM Support Act of 1992 (Pub. L. 102–511) with respect to Azerbaijan:

- Is necessary to support U.S. efforts to counter international terrorism; or
- Is necessary to support the operational readiness of the United States Armed Forces or coalition partners to counter international terrorism; or
- Is important to Azerbaijan's border security; and
- will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

Accordingly, I hereby extend the waiver of Section 907 of the FREEDOM Support Act. This determination shall be published in the **Federal Register**, and the determination and Memorandum of Justification shall be provided to the appropriate committees in Congress.

Dated: April 23, 2021.

**Antony J. Blinken,**

*Secretary of State.*

[FR Doc. 2021–09259 Filed 5–3–21; 8:45 am]

**BILLING CODE 4710–23–P**

## DEPARTMENT OF STATE

**[Public Notice 11418]**

### Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''The Spirit Wraps Around You'' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that one object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''The Spirit Wraps Around You'' at the Alaska State Museum, Juneau, Alaska, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its 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), E.O. 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. 2021–09325 Filed 5–3–21; 8:45 am]

**BILLING CODE 4710–05–P**

## TENNESSEE VALLEY AUTHORITY

### Sunshine Act Meetings

**TIME AND DATE:** 10 a.m. on May 6, 2021.

**PLACE:** Please use the following link for the live stream of meeting: *https://tva.com/board/watch*.

**STATUS:** Open, via live streaming only.

**MATTERS TO BE CONSIDERED:**

**Meeting No. 21–02**

The TVA Board of Directors will hold a public meeting on May 6, 2021. Due to the ongoing risks associated with the COVID–19 outbreak, the meeting will be conducted via teleconference. The meeting will be called to order at 10 a.m. ET to consider the agenda items listed below. TVA Board Chair John Ryder and TVA management will answer questions from the news media following the Board meeting.

Public health concerns also require a change to the Board's public listening session. Although in-person comments from the public are not feasible, the Board is encouraging those wishing to express their opinions to submit written comments that will be provided to the Board members before the May 6 meeting. Written comments can be submitted through the same online system used to register to speak at previous listening sessions.

**Agenda**

1. Approval of minutes of the February 11, 2021 Board Meeting
2. Report of the People and Performance Committee
3. Report of the External Relations Committee
4. Report of the Audit, Risk, and Regulation Committee
5. Report of the Nuclear Oversight Committee
6. Report of the Finance, Rates, and Portfolio Committee
7. Report from President and CEO
   A. Guiding Principles for TVA's Values and Strategic Priorities
8. Information Items

[20] 17 CFR 200.30–3(a)(12).

A. Changes to Long-Term Incentive Plan Performance Goals
B. Compensation Plan Amendments

**CONTACT PERSON FOR MORE INFORMATION:** For more information: Please call Jim Hopson, TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: April 29, 2021.

**Edward C. Meade,**

*Agency Liaison.*

[FR Doc. 2021–09478 Filed 4–30–21; 4:15 pm]

**BILLING CODE 8120–08–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2021–0052]**

### Hours of Service (HOS) of Drivers; Application for Renewal of American Pyrotechnics Association Exemptions From the 14-Hour Rule and the Electronic Logging Device Rule During Independence Day Celebrations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for renewal; request for comments.

**SUMMARY:** FMCSA announces that it has received applications from the American Pyrotechnics Association (APA) requesting renewal of exemptions from certain hours of service (HOS) regulations that expired on July 8, 2020. The requests are being made on behalf of 60 APA member companies. The exemption requests would allow drivers for its members to exclude off-duty and sleeper berth time of any length from the calculation of the 14-hour limit and to use paper records of duty status (RODS) in lieu of electronic logging devices (ELD) during the designated Independence Day periods. The requests are for the transportation of pyrotechnics from June 28 through July 8 of every year from 2021 through 2025.

**DATES:** Comments must be received on or before June 3, 2021.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA–2021–0052 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number for this notice: FMCSA–2021–0052. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Dockets Operations in Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. 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 *www.dot.gov/privacy.*

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–4225; *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2021–0052), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2021–0052'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

## III. Background

*Current Requirements*

The HOS rule in 49 CFR 395.3(a)(2) prohibits the driver of a property-carrying CMV from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. Drivers required to prepare RODS must do so using ELDs. However, under 49 CFR 395.8(a)(1)(iii)(*1),* a motor carrier may allow its drivers to record their duty status manually, rather than use an ELD, if the driver is operating a CMV ''[i]n a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period.''

*Applicant's Requests*

APA requests temporary relief from both provisions discussed above because employees for its member companies need to drive CMVs after the end of the 14-hour period and because the proposed exemption period from June 28 through July 8 is 11 days long, which exceeds the exception from the ELD requirement (up to 8 days in a 30 consecutive-day period). APA explains that without the extra time provided by the exemption from the 14-hour rule, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base.

Without the exemption from the ELD rule, these companies would be required to purchase/lease ELD systems for a limited period of 11 days. APA believes an equivalent level of safety will be achieved because the fireworks are transported over relatively short routes from distribution points to the site of the fireworks display, and normally in the early morning when traffic is light. APA also believes that fatigued driving is reduced and/or eliminated because drivers spend considerable time installing, wiring, and safety-checking the fireworks displays at the site, followed by several hours off duty in the late afternoon and early evening prior to the event; during this time, the drivers are allowed to rest or take a nap.

APA is requesting renewal of its HOS exemptions from the 14-hour rule for 58 of 61 member-companies included in the 2016 through 2020 waivers or exemptions; and from the ELD rule for the same member-companies included in the 2019 through 2020 waivers or exemptions. The HOS exemptions or waivers, for 61 of its members, expired on July 9, 2020. The current applications cover 58 members that previously held exemptions and 2 additional member-companies not previously covered by the exemptions. APA has advised that 3 member companies previously included in the 14-hour and ELD relief have been removed from the list, leaving 60 of its member companies applying for exemptions from the 14-hour rule and the ELD rule. Copies of the 2021 requests are included in the docket referenced at the beginning of this notice.

Various APA members have held 2-year exemptions during Independence Day periods from 2005 through 2014. On May 9, 2016, the current exemption for APA members was extended to July 8, 2020, pursuant to section 5206(b)(2)(A) of the Fixing America's Surface Transportation (FAST) Act. Copies of the initial request for an exemption from the 14-hour rule, subsequent renewal requests, and all public comments received may be reviewed at *www.regulations.gov* under docket numbers FMCSA–2005–21104 and FMCSA–2007–28043.

FMCSA granted APA's application for relief from the ELD rule on February 19, 2019, covering the Independence Day celebrations for 2019 and 2020. A copy of that request and the public comments received are located at *www.regulations.gov* under docket number FMCSA–2018–0140.

## VI. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on APA's application for renewal of an exemption from 49 CFR 395.3(a)(2) and 395.8(a)(1)(i). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021–09273 Filed 5–3–21; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2008–0362]**

### Medical Review Board (MRB); Notice of Meeting

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Medical Review Board Advisory Committee (MRB), which will take place via videoconference.

**DATES:** The meeting will be held on Wednesday and Thursday, May 19 and 20, 2021, from 9:15 a.m. to 4:30 p.m., Eastern Time (ET). The meeting will be open to the public for its entirety. Advance registration is recommended via the FMCSA website at *www.fmcsa.dot.gov/mrb.* Requests for accommodations because of a disability must be received by May 12, 2021. Requests to submit written materials to be reviewed during the meeting must be received no later than May 12, 2021.

**ADDRESSES:** The meeting will be held via videoconference. To indicate that you will attend, please register at *www.fmcsa.dot.gov/mrb.* Those members of the public who would like to participate should go to *https://www.fmcsa.dot.gov/advisory-committees/mrb/meetings* to access the meeting, task statements, a detailed agenda for the entire meeting, meeting minutes and additional information on the committee and its activities.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 3660–2925, *mrb@dot.gov.* Any committee-related request should be sent to the person listed in this section.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The MRB was created under the Federal Advisory Committee Act (FACA), in accordance with section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, Public Law 109–59 (2005) (codified as amended at 49 U.S.C. 31149), to provide advice to FMCSA on ''medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate

to enable them to operate the vehicles safely.'' The MRB operates in accordance with FACA under the terms of the MRB charter, filed November 25, 2019.

## II. Agenda

At the meeting, the agenda will cover the following topics:

- Finalize recommendations from the MRB's April 2020 meeting on updates to the Medical Examiner Handbook;
- Conduct a review of the medical assessment form for CMV drivers with non-insulin-dependent diabetes mellitus; and
- Evaluate comments and the vision assessment form from the Notice of Proposed Rulemaking (NPRM) ''Qualifications of Drivers; Vision Standard'' (86 FR 2344, January 12, 2021) for medical sufficiency to assist FMCSA in preparing its final rule to amend the vision standard for CMV drivers.

## III. Meeting Participation

Although not required, advance registration is encouraged. To indicate that you will attend, please register at the website listed in the **ADDRESSES** section by the deadline referenced in the **DATES** section. The meeting will be open to the public for its entirety.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Verbal comments from the public will be heard throughout the meeting, at the discretion of the MRB chairman and designated federal officer. These statements may be limited in duration to ensure that all who wish to comment may do so. Members of the public may submit written comments to the person listed in the **FOR FURTHER INFORMATION CONTACT** section on the topics to be considered during the meeting by the deadline referenced in the **DATES** section. Any member of the public may submit a written statement after the meeting deadline, and it will be presented to the committee.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021–09271 Filed 5–3–21; 8:45 am]

BILLING CODE 4910–EX–P

# DEPARTMENT OF TRANSPORTATION

## Federal Transit Administration

**[FTA Docket No. FTA 2021–0005]**

## Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Clean Fuels Grant Program.

**DATES:** Comments must be submitted before July 6, 2021.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.
2. *Fax:* 202–366–7951.
3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

*Instructions:* You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.*

*Docket:* For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Vanessa Williams (202) 366–4818 or email: *Vanessa.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* Clean Fuels Grant Program.

(*OMB Number:* 2132–0573).

*Background:* The Clean Fuels Grant Program was developed to assist non-attainment and maintenance areas in achieving or maintaining the National Ambient Air Quality Standards for ozone and carbon monoxide (CO). The program also supported emerging clean fuel and advanced propulsion technologies for transit buses and markets for those technologies. The Clean Fuels Grant Program was repealed under the Moving Ahead for Progress in the 21st Century Act (MAP–21). However, funding previously authorized for programs repealed by MAP–21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

*Respondents:* State and local government, business or other for-profit institutions, and non-profit institutions.

*Estimated Total Annual Respondents:* 4.

*Estimated Total Burden Hours per Respondent:* 2 hours.

*Estimated Annual Burden on Respondents:* 8 hours.

*Frequency:* Annually.

**Nadine Pembleton,**

*Director Office of Management Planning.*

[FR Doc. 2021–09380 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2017–0108, Notice No. 2021–03]**

### Hazardous Materials: Show Cause and Procedures for Complying With the UN Model Regulation 6(d) Test Criteria for Certain Explosive Classification Approvals

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice.

**SUMMARY:** PHMSA is issuing this notice to serve process in accordance with 49 CFR 105.35(a)(3) and inform all persons who currently hold Explosive (EX) approvals for four specific Division 1.4S explosives of the process necessary for maintaining or upgrading these approvals.

**FOR FURTHER INFORMATION CONTACT:** Ms. Harpreet Singh, Chief, Energetic Materials Branch, Sciences and Engineering Division, Office of Hazardous Materials Safety, (202) 366–4535, PHMSA, 1200 New Jersey Ave. SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

## A. Background

The 20th Revised Edition (2017) [1] of the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations (UN Model Regulations) was amended so that four Division 1.4S explosives (*i.e.,* UN0349, UN0367, UN0384, and UN0481) must now pass an additional test (*i.e.,* the UN 6(d) unconfined package test) to continue to maintain the 1.4S classification. This requirement was also implemented for international air transport in the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air on January 1, 2019, and for international vessel transport in the International Maritime Dangerous Goods (IMDG) Code on January 1, 2020.

On May 11, 2020, PHMSA published a final rule titled, ''Hazardous Materials: Harmonization with International Standards'' [HM–215O; 85 FR 27810].[2] As part of the HM–215O final rule, PHMSA amended the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to codify this amendment with a mandatory compliance date of May 10, 2021.

PHMSA identified 2,211 EX approvals assigned to the four UN identification numbers (UN ID numbers) (UN0349, UN0367, UN0384, and UN0481) impacted by the required UN 6(d) unconfined package test. These 2,211 EX approvals are held by approximately 145 separate holders. Because of the new UN 6(d) test requirement, existing approvals for the four affected UN ID numbers must be modified in accordance with 49 CFR 107.713(a)(1) to reflect whether EX approval holders have had this test successfully performed.

Approval holders must either show cause why their approvals should not be terminated or apply for a modification of their approval prior to the effective date to avoid termination. EX approval holders have until June 3, 2021, to provide a written response to PHMSA either to request that PHMSA modify their approval(s) or otherwise show cause as to why their approval(s) should not be terminated, as required by 49 CFR 107.713(c)(1). Approvals for which PHMSA does not receive a modification request by June 3, 2021, are subject to termination in a subsequent **Federal Register** notice.

PHMSA is providing the following options to current holders of an EX approval affected by this requirement. Affected EX approval-holders may:

(1) Request that PHMSA maintain their current classification based on successful completion and passing of the UN 6(d) test;

(2) Modify their EX approval to a higher classification; or

(3) Notify PHMSA that their EX approval is no longer in use and may be terminated.

Requests may be submitted to PHMSA via email at *explo@dot.gov* or the PHMSA EX Portal at *https://portal.phmsa.dot.gov/PHMSAPortal2.*

This notice is primarily intended to reach EX approval holders that have yet to take action or that PHMSA has been unable to contact, and to serve as a Show Cause notice in accordance with 49 CFR 107.713(a)(1) and (c) for all EX approval holders who have not submitted a modification request. Holders of EX approvals who have yet to request a modification of their approval(s) are provided in Table 2. Table 2 below contains a list of EX approval holders by company name indicated in their approval and associated EX approval numbers and UN ID numbers. This table accurately reflects the population of holders from whom PHMSA has yet to receive a request to modify their approval(s) or we have been unable to contact as of March 31, 2021.

### B. Requests To Maintain 1.4S Classification

Applicants should submit a request letter as described in 49 CFR 107.705 to PHMSA asking to maintain their EX approval classification as ''1.4S.'' The application should include a copy of the current EX approval and documentation, such as a report from a DOT-Approved Explosive Test Lab or Competent Authority Approval, that demonstrates completion and passing of the UN 6(d) test. The application will be evaluated, and if deemed satisfactory, the EX approval will be revised with an updated packaging note designating that the classification meets UN 6(d) test criteria.

### C. Requests for Modification of EX Approval to a Higher Classification

Applicants should submit a request letter as described in 49 CFR 107.705 to PHMSA asking that the current 1.4S classification on their EX approval be voluntarily up-classed (*i.e.,* classification changing to a more appropriate classification in the absence of the UN 6(d) test) due to the UN 6(d) test requirement. The application should include a current copy of the EX approval and either the original class recommendation lab report or the Competent Authority Approval document upon which the 1.4S classification was based. The application will be evaluated, and if deemed satisfactory, the EX approval will then be modified to an appropriate classification. These approvals will be modified consistent with the classifications noted in Table 1 below. EX approvals that were issued for either UN0349 or UN0481 materials may also require additional information to determine the most appropriate compatibility group for the explosive or whether there is a more specific proper shipping name (PSN) that should be used.

### D. Termination of EX Approval

For those affected EX approvals for which PHMSA receives no notification to maintain or modify the EX approval, they will be subject to termination effective June 3, 2021, in accordance

[1] *https://www.unece.org/trans/danger/publi/unrec/rev20/20files_e.html.*

[2] See *https://www.govinfo.gov/content/pkg/FR-2020-05-11/pdf/2020-06205.pdf.*

with 49 CFR 173.58(d) and 107.713(c)(2). EX approval holders may also voluntarily submit requests to terminate approvals that are no longer desired. The terminated EX approval may be reissued upon request to an appropriate classification as justified by testing and with a recommendation in accordance with 173.56 or modified to a higher classification.

TABLE 1

| Current 1.4S UN ID No. and PSN | Without UN 6(d) test UN ID No. and PSN |
|---|---|
| UN0384, Components, explosive train, n.o.s | * UN0383, 1.4B Components, explosive train, n.o.s. |
| UN0367, Fuzes detonating | * UN0257, 1.4B Fuzes, detonating or, UN0410 1.4D Fuzes, detonating, *with protective features* (if protective features are verified). |
| UN0349, Articles, explosive, n.o.s | Various (depending on compatibility group and whether a more specific PSN exists in "1.4 not S"). |
| UN0481, Substances, explosive, n.o.s | Various (depending on compatibility group and whether a more specific PSN exists in "1.4 not S"). |

* Default classification.

TABLE 2

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX1999100239 | UN0367 | Accurate Arms Company, Inc. |
| EX1988040100, EX1988040101, EX1989110272 | UN0367 | Accurate Energetic Systems, LLC. |
| EX1989110427, EX1989110428, EX1989110429, EX1989110431, EX1989110432, EX1989110433, EX1989110434, EX1989110435, EX1989110437. | UN0481 | Accurate Energetic Systems, LLC. |
| EX1990020001, EX1995070012, EX1995070013, EX1998110101, EX2013020610. | UN0367 | Action Manufacturing Company. |
| EX2015040456 | UN0367 | Advanced Material Engineering. |
| EX1990050150 | UN0367 | Aerojet Propulsion Division (APD). |
| EX2014060245 | UN0349 | Aerojet Rocketdyne, Inc. |
| EX2005030114 | UN0349 | Aircraft Interior Products Goodrich Corporation. |
| EX1990010215 | UN0367 | Alliant Techsystems (ATK) formerly Thiokol Corporation, Elkton Division. |
| EX1988090082 | UN0367 | Alliant Techsystems Inc. (ATK). |
| EX1989050056, EX2007110352, EX1989100162, EX2013040297 | UN0367 | Alliant Techsystems Operations LLC. |
| EX2009010092 | UN0349 | Alliant Techsystems Operations LLC. |
| EX1991050098, EX1991050099 | UN0367 | Alliant Techsystems, Inc. |
| EX1988040026, EX1990100007, EX1990100008 | UN0367 | Alliant Techsystems, Inc. (formerly Honeywell, Inc.). |
| EX2004010221 | UN0349 | American Airlines, Inc. |
| EX2018042084 | UN0348 | Armtec Defense Products Co. |
| EX2008040391 | UN0349 | Austin Powder Company. |
| EX2016020031 | UN0349 | Austin Star Detonator Company. |
| EX1994120113 | UN0384 | Baker Hughes INTEQ(Owen Compliance Services, Inc.). |
| EX1990080103, EX1990080105 | UN0367 | BEI Defense Systems Company, Inc. |
| EX2001050157 | UN0367 | BF Goodrich Aerospace. |
| EX2019022522, EX2018012130 | UN0349 | Brazilian Government. |
| EX1997070025, EX1997070026, EX1997070027, EX1997080006, EX1997080007, EX1997080008. | UN0481 | Cambridge Isotope Laboratories, Inc. (CIL). |
| EX2018062063 | UN0349 | Captive Technologies. |
| EX2009070004 | UN0367 | Cartridge Actuated Devices, Inc. |
| EX2014080559 | UN0349 | Cartridge Actuated Devices, Inc. |
| EX2014080560 | UN0481 | Cartridge Actuated Devices, Inc. |
| EX2018022134 | UN0349 | Chemring Energetic Devices, Inc. |
| EX2017080149 | UN0481 | Combined Tactical Systems, Inc. |
| EX1997070024, EX1997070068, EX1997070069, EX1997070070, EX1997070071, EX1997070072, EX1997070073, EX1997070074, EX1997070075, EX1997070076, EX1997070077, EX1997070078, EX1997070079. | UN0481 | Crescent Chemical Company. |
| EX1996020030, EX1998020066 | UN0481 | Dangerous Goods Management. |
| EX1998110137 | UN0349 | De La Mare Engineering, Inc. |
| EX1999060129 | UN0349 | Delta Defense, Inc. |
| EX1981040049A, EX1981040049B, EX1981040051, EX1981080055, EX1982060015, EX1985030145, EX1985110053, EX1988020112, EX1988020165, EX1988020257 EX1988020258, EX1989040152, EX1989040153, EX1989050110, EX1989050111, EX1989100084A, EX1990020651, EX1990050327, EX1990060148, EX1991060303, EX1992030149, EX1992030150, EX1992030153, EX1993020094, EX1995050091, EX1997060028, EX1999080141, EX2002020020, EX2002060189, EX2003080115. | UN0367 | Department of Energy. |
| EX1988120022 | UN0349 | Department of Energy. |

TABLE 2—Continued

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX2010091462, EX2010091463, EX2010091464, EX2010091465, EX2010091466. | UN0367 | Department of Energy, National Nuclear Security Administration. |
| EX1998050150 | UN0349 | Dynamit Nobel GmbH. |
| EX1997120152 | UN0481 | Dynamit Nobel Wien GmbH. |
| EX1998050065, EX1998070014, EX1998070015, EX1998070016, EX1999010231, EX1999010232. | UN0349 | Dyno Nobel North America, (Formerly, The Ensign-Bickford Company). |
| EX2007060067 | UN0349 | Dyno Nobel, Inc. |
| EX1999010179 | UN0349 | Dyno Nobel, Inc. (formerly IRECO, Incorporated). |
| EX1994040159 | UN0349 | Edison Giocattoli, S.p.a. |
| EX2011080094 | UN0481 | Energy Technical Systems, Inc. |
| EX1991050274, EX1991050275, EX1991050276, EX1992020016, EX1992020018, EX1992020019, EX1992020020, EX1992020021, EX1992020022, EX1992020023, EX1992020024, EX1992020025, EX1992020026, EX1992020027, EX1992020028, EX1992020029, EX1992020030, EX1992020031, EX1992020032, EX1992020033, EX1992020034, EX1992120113, EX1992120114, EX1992120115, EX1992120116, EX1992120117, EX1992120118, EX1992120119, EX1992120120, EX1992120121, EX1992120122, EX1992120123, EX1992120124, EX1992120125, EX1992120126, EX1992120127, EX1992120128, EX1992120129, EX1993040064, EX1993040065, EX1993060123, EX1993060124. | UN0367 | Ensign Bickford Aerospace Company. |
| EX2003060196, EX2003070020, EX2003100058, EX2006090083, EX2011111082, EX2017092000. | UN0367 | Ensign-Bickford Aerospace & Defense Company. |
| EX2006110171, EX2016050074 | UN0349 | Ensign-Bickford Aerospace & Defense Company. |
| EX2008020158, EX2008020158, EX2011020663 | UN0384 | Ensign-Bickford Aerospace & Defense Company. |
| EX2013050584, EX2012040953 | UN0367 | Ensign-Bickford Aerospace & Defense Company (EBA&D). |
| EX2014071026, EX2014030181, EX2015030271 | UN0349 | Esterline Defense Technologies. |
| EX2013090807 | UN0349 | Esterline Defense Technologies (Armtec Defense Products Co.). |
| EX1987040167A, EX1987070022A, EX1988090072A, EX1989030240A, EX1989120002A, EX1991080167, EX1991120107, EX1991120108, EX1991120109, EX1991120110, EX1992010103, EX1992010118, EX1992010119, EX1992010120, EX1992020188, EX1992030091, EX1992030092, EX1992030093, EX1992030094, EX1992030095, EX1992030096, EX1992030097, EX1992030098, EX1992030099, EX1992030100, EX1992030101, EX1992030102, EX1992030103, EX1992030104, EX1992030105, EX1992030106, EX1992030107, EX1992030108, EX1992030109, EX1992030110, EX1992030111, EX1992030112, EX1992030113, EX1992030114, EX1992030115, EX1992030116, EX1992030117, EX1992030118, EX1992030119, EX1992030120, EX1992030121, EX1992030122, EX1992030123, EX1992030124, EX1992030125, EX1992030126, EX1992030127, EX1992030128, EX1992030129, EX1992030162, EX1992030163, EX1992030164, EX1992030165, EX1992030166, EX1992030167, EX1992030168, EX1992030426, EX1992030427, EX1992030428, EX1992030429, EX1992040203, EX1992050066, EX1992050067, EX1992050068, EX1992050069, EX1992050070, EX1992120143, EX1992120144, EX1993030182, EX1993030183, EX1993030184, EX1993050013, EX1993050014, EX1993050184, EX1993050185, EX1993050186, EX1993050187, EX1993050188, EX1993050189, EX1993050190, EX1993050191, EX1993050192, EX1993100003, EX1993100004, EX1994060241, EX1994060242, EX1994070291, EX1994070292, EX1994100006. | UN0367 | ET, Inc. (formerly Explosive Technology, Inc.). |
| EX2014080308 | UN0481 | ETA S.A. |
| EX2011031882 | UN0481 | Eurenco Bofors AB. |
| EX2004070039 | UN0349 | Federal Cartridge Company. |
| EX2015030372 | UN0367 | G&W Electric Co. |
| EX1989040015 | UN0367 | General Dynamics Ordnance Systems, Inc. |
| EX2004120201, EX2004120266, EX2005030106 | UN0367 | Goodrich Corporartion Aircraft Interior Products Propulsion System. |
| EX2018062079 | UN0349 | Government of Argentina. |

TABLE 2—Continued

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX2014010162 | UN0349 | Government of Brazil. |
| EX2014030546, EX2015020468 | UN0349 | Government of Canada, Department of National Defence (DND). |
| EX2016010220 | UN0367 | Government of Chile. |
| EX2011020399 | UN0367 | Government of Czech Republic—National Movement Coordination Center. |
| EX2011060808 | UN0367 | Government of Egypt. |
| EX2012090400, EX2012111048, EX2013050931, EX2013050933, EX2013050934, EX2013050935, EX2013050937, EX2013050938, EX2013050944, EX2016110903, EX2016120102, EX2013040878. | UN0367 | Government of Finland. |
| EX2012080134, EX2012080135, EX2012080136, EX2012080137, EX2012080138, EX2013040878, EX2012080132, EX2012080130, EX2012080133, EX2012080131. | UN0367 | Government of Finland, Finnish Air Force Materiel Command. |
| EX2019082696 | UN0367 | Government of Indonesia. |
| EX2015100860 | UN0367 | Government of Israel, Ministry of Defense. |
| EX2016110139 | UN0367 | Government of Oman. |
| EX2016110837 | UN0367 | Government of Romania. |
| EX2009110194 | UN0349 | Government of Spain. |
| EX1996110231 | UN0481 | Government of Switzerland. |
| EX2013090134, EX2013100569, EX2013120494, EX2013121238, EX2014020631, EX2014050390, EX2013090731, EX2013120494, EX2013121238. | UN0367 | Government of Switzerland. |
| EX2014080653, EX2014080655 | UN0367 | Government of Turkey. |
| EX2019042048 | UN0349 | Harris Corporation. |
| EX1996090033 | UN0349 | HFI Pyrotechnics Inc. |
| EX1991020110 | UN0367 | Hi-Shear Technology Corporation. |
| EX1999120081 | UN0481 | Hodgdon Powder Co., Inc. |
| EX1995100062 | UN0367 | Hughes Missile Systems Co. |
| EX2014120454 | UN0384 | Hunting Titan, Inc. |
| EX2000100140, EX2003090038, EX2003090039, EX2003090040, EX2006020597, EX2006030376, EX2006030377, EX2007040208, EX2007040209, EX2007040210, EX2007040211, EX2007040212, EX2007040214. | UN0367 | IMI Services USA, Inc. |
| EX2006090071, EX2006090072, EX2006090073, EX2006090074 | UN0481 | IMI Services USA, Inc. |
| EX2006120390 | UN0367 | International Launch Services. |
| EX1998010222 | UN0349 | Ion Track Instruments. |
| EX1989010061, EX1989010063, EX1990080009 | UN0367 | IRECO, Incorporated. |
| EX2001070022 | UN0349 | Kaleva Design Inc. |
| EX2019112092 | ..... | Kaman Aerospace Corporation, Precision Products Division. |
| EX1996010026 | UN0367 | KDI Precision Products, Inc. |
| EX1993070128 | UN0384 | Kilgore Flares Co., LLC (formerly Kilgore Corporation). |
| EX1989040062, EX1989040064, EX1989040065, EX1989040066 | UN0367 | Kilgore Flares Company, LLC (formerly Kilgore Corporation). |
| EX2018042083 | UN0367 | Kingdom of Norway. |
| EX2012100180 | UN0349 | Kuwaiti Government. |
| EX2012121019, EX2012121020, EX2014060500, EX2017070003, EX2012100261, EX2012100771, EX2012101234, EX2012101307, EX2012110071. | UN0367 | Kuwaiti Government. |
| EX2010121648 | UN0367 | L-3 Fuzing & Ordnance Systems. |
| EX2006060214 | UN0349 | Lockheed Martin Aeronautics Company. |
| EX1998060022 | UN0349 | Lockheed Martin Astronautics. |
| EX1988010203 | UN0367 | Lockheed Martin Corporation, Vought Systems. |
| EX2007010486 | UN0349 | Lockheed Martin Missiles & Fire Control. |
| EX2006120308 | UN0349 | Lockheed Martin Missiles and Fire Control. |
| EX2014100238 | UN0367 | Malaysia. |
| EX2014100239 | UN0349 | Malaysia. |
| EX1988060076 | UN0349 | Margo Supplies, Limited. |
| EX2007010049 | UN0349 | Martinez Specialties, Inc. |
| EX2005110342 | UN0384 | Mat Transport AG. |
| EX1999120145 | UN0349 | Maxam North America, Inc. |
| EX2004090159 | UN0349 | Mecano-Tech, Inc.. |
| EX1993030204 | UN0384 | Ministry of Defence. |
| EX2011050296 | UN0481 | Missiles & Space Batteries Ltd. |
| EX2006100248 | UN0384 | Nammo Raufoss. |
| EX2011060272, EX2011060295, EX2011060296 | UN0367 | Nammo Talley, Inc. |
| EX2001080091 | UN0349 | NASA. |
| EX1997030156 | UN0349 | National Aeronautics & Space Administration (NASA). |
| EX2019042398, EX2019062134, EX2019052212, EX2019062140, EX2019062153. | UN0367 | Netherlands Government, Ministry of Defense. |
| EX2017040300 | UN0384 | Netherlands Ministry of Defense. |

TABLE 2—Continued

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX2013040460 | UN0481 | NOBEL SPORT. |
| EX2017102345 | UN0349 | Nobelteq Arms & Ammunition (PTY LTD). |
| EX2005060403 | UN0349 | NOF America Corporation. |
| EX2006090055 | UN0349 | ODA Enterprises, LLC. |
| EX2000090075 | UN0367 | OEA Aerospace, Inc. |
| EX1983050016, EX1983100004, EX1986100062, EX1986110105, EX1987020082, EX1987030349, EX1987030349A, EX1987040013, EX1987040066, EX1987040066A, EX1987040166, EX1987040170, EX1987060001, EX1987060114, EX1987060115A, EX1987060273, EX1987070007, EX1987070045, EX1987070168, EX1987080057, EX1987080060, EX1987080161, EX1987110194, EX1987110272, EX1988010167, EX1988030080, EX1988030081, EX1988030091, EX1988050205, EX1988050276, EX1988060019, EX1988070012, EX1988070279, EX1988080020, EX1988080021, EX1988090072, EX1988100173, EX1988100206, EX1988110127, EX1989010224, EX1989010250, EX1989010263, EX1989020005, EX1989030237, EX1989060207, EX1989080099, EX1989090020, EX1989090050, EX1989110183, EX1989120005, EX1990010080, EX1990040015, EX1990090184, EX1990120099. | UN0367 | OEA Aerospace, Inc. (formerly ET, Inc.). |
| EX1987110191, EX1987120186, EX1988090132, EX1988100184, EX1988110130, EX1988110168. | UN0367 | OEA, Inc. |
| EX2011060087, EX2012070226 | UN0349 | Omnitek Partners, LLC. |
| EX1997040127, EX1997040128, EX1997040129, EX1998010044, EX1998010045. | UN0349 | Orbital Sciences Corporation. |
| EX2000080058 | UN0349 | Orica Canada Inc. |
| EX1994060082, EX2009100178, EX2010060062, EX2008040541, EX1989010033. | UN0349 | Owen Oil Tools c/o Owen Compliance Services. |
| EX1981030045, EX1997070003, EX2001030056 | UN0367 | Pacific Scientific. |
| EX1999120130 | UN0367 | Pacific Scientific Energetic Materials Company. |
| EX2014020516 | UN0349 | Pioneer Wireline Services. |
| EX2014080306 | UN0349 | Polyfectos S.R.I.—Productos Experciales de Pirotechnia. |
| EX1999040101, EX1999040103 | UN0481 | Radian International LLC. |
| EX2009120383 | UN0367 | Raytheon Missile Systems. |
| EX2007060063, EX2007060065, EX2007090393, EX2007090404 | UN0349 | RCS Rocket Motor Components, Inc. |
| EX1998060011 | UN0349 | Reed-Joseph International Company. |
| EX2012050939 | UN0367 | Republic of Korea. |
| EX2013010550 | UN0367 | Republic of Singapore. |
| EX2013010733 | UN0349 | Reynolds Systems, Inc. |
| EX1994070004 | UN0349 | Rockwell International Corporation. |
| EX2012080249 | UN0367 | Royal Thai Air Force. |
| EX2003120601, EX2004050280, EX2006020514 | UN0384 | Schlumberger. |
| EX2000100101, EX2001030053 | UN0349 | Schlumberger. |
| EX2001020259, EX2001030059 | UN0367 | Schlumberger. |
| EX1987060027, EX1987060283, EX1988060182 | UN0349 | Schlumberger Perforating and Testing Center. |
| EX1994010082, EX1997100012, EX1997100012A, EX1997110099, EX1994020120, EX1994050292, EX1994060018, EX1997120139, EX1999030011, EX1999050168. | UN0367 | Schlumberger Perforating and Testing Center. |
| EX1995120021, EX1996080002, EX1997120090, EX1998110106 | UN0384 | Schlumberger Perforating and Testing Center. |
| EX2008020232 | UN0384 | Schlumberger Reservoir Completion Center. |
| EX2006020610, EX2006060236, EX2006100165, EX2007030299 | UN0384 | Schlumberger Reservoir Completions. |
| EX1987060282, EX2004080087, EX2005100173 | UN0349 | Schlumberger Reservoir Completions. |
| EX2001020258, EX2006020384, EX2006060181 | UN0367 | Schlumberger Reservoir Completions. |
| EX1999060153, EX1999060154, EX1999110045, EX2009110196, EX2010030568, EX2011100993. | UN0384 | Schlumberger Technology Corporation. |
| EX1999110163, EX2010091254 | UN0367 | Schlumberger Technology Corporation. |
| EX1995040042 | UN0367 | Schlumberger Well Services. |
| EX2000080043 | UN0349 | Segutronic High Security Engineering. |
| EX2008100269 | UN0384 | Special Devices, Inc. |
| EX2014070364, EX2014070661 | UN0367 | Spectra Technologies, LLC. |
| EX1987070141, EX1987070142, EX1987070143, EX1987070144, EX1987070145, EX1987070146, EX1987070147, EX1988090056, EX1989110354, EX2005070106. | UN0367 | Stresau Laboratory, Inc. |
| EX1995040044 | UN0481 | Supelco, Inc. |
| EX1983040001 | UN0349 | Sutton AG Enterprises, Inc. |
| EX2006070137 | UN0367 | SwETech AB. |
| EX2012081250 | UN0367 | Taiwan Ministry of National Defense. |

TABLE 2—Continued

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX2006100253 | UN0384 | Talley Defense Systems. |
| EX2017040139 | UN0349 | TCO AS. |
| EX1990020056, EX1990060041, EX1990060042, EX1990060044, EX1992010063, EX1992050131, EX1992050132, EX1997020095. | UN0367 | Tech Ord. |
| EX1997070061, EX1999070225 | UN0384 | Tech Ord. |
| EX1998110136, EX1999030378 | UN0349 | Tech Ord. |
| EX2010030561 | UN0481 | Tech Ord. |
| EX1997010051 | UN0367 | Tech Ord, Inc. |
| EX2003070046, EX2003070046A, EX2003070047 | UN0349 | Technical Consultants, Inc. |
| EX1990060043 | UN0367 | Technical Ordnance, Inc. |
| EX1987080031A, EX1990090143, EX1990090200, EX1990090201. | UN0367 | Teledyne McCormick Selph. |
| EX2001020093, EX2001080081, EX2001080082, EX2001030032, EX2001030222, EX2001050003. | UN0349 | The Boeing Co. |
| EX1988040096, EX1989040003, EX1989040004 | UN0367 | The Ensign-Bickford Company. |
| EX2012111046 | UN0367 | The Government of Finland. |
| EX2013050082 | UN0367 | The Government of the United Arab Emirates. |
| EX2011020522 | UN0384 | The Netherlands Government, Ministry of Defense. |
| EX1997090011 | UN0481 | Thiokol Corporation. |
| EX2005070009 | UN0349 | Titan Energetics, A Division of Titan Specialties, Ltd. |
| EX2015010210, EX2015030140 | UN0481 | Tk Holdings Inc. |
| EX2015101002 | UN0481 | TRW Automotive. |
| EX2001050019 | UN0349 | TRW Vehicle Safety Systems, Inc. |
| EX1980120071, EX1981040049, EX1981040050, EX1981090037, EX1981090038, EX1981090038A, EX1981090041, EX1981090041A, EX1981090042, EX1981090043, EX1981090045, EX1981090045A, EX1981090046, EX1981090046A, EX1981090053, EX1981090053A, EX1981090055, EX1981090055A, EX1981090056, EX1981090057, EX1982070039, EX1982070040, EX1982080009, EX1982120025, EX1982120026, EX1986010167, EX1986020063, EX1986020063A, EX1986020064, EX1986020064A, EX1986030075, EX1986030075A, EX1986030075B, EX1988120021, EX1989010213, EX1989050115, EX1989050116, EX1989050117, EX1989050120, EX1989050121, EX1989050124, EX1989050125, EX1989050128, EX1989100084, EX1990060155, EX1991070207, EX1991070208, EX1991070212, EX1991070213, EX1991070214, EX1991100012, EX1991100013, EX1991100014, EX1991100015, EX1991100016, EX1991100017, EX1991100018, EX1991100019, EX1991100020, EX1991100021, EX1991100022, EX1991100023, EX1992030154, EX1992030155, EX1992040077, EX1996070015, EX1996070016, EX1998030145, EX1998080119, EX1998080120, EX2001020284, EX2001070011, EX2001070012, EX2002020019, EX2004020194, EX2006050135, EX2012111041, EX2012111042, EX2012111043, EX2013060391, EX2013060392, EX2014020326. | UN0367 | U.S. Department of Energy. |
| EX1982070041, EX2012080811, EX1999070017, EX1997050049, EX1995120009, EX1982070042. | UN0349 | U.S. Department of Energy. |
| EX1988100144 | UN0367 | UniDynamics Phoenix, Inc. |
| EX2008060282, EX2010070467, EX2011020067, EX2015121928, EX2015121929. | UN0349 | United Launch Alliance. |
| EX2007120480 | UN0349 | Universal Propulsion Company. |
| EX2008010038 | UN0367 | Universal Propulsion Company. |
| EX2003060201, EX2003080142 | UN0367 | Universal Propulsion Company Seating & Propulsion Systems. |
| EX2003090231, EX2003090233 | UN0367 | Universal Propulsion Company Seating & Propulsion Systems Goodrich Corporation. |
| EX1986090048A, EX1986090049A, EX1986090050A, EX1986090051A, EX1986110195, EX1986110196, EX1987030008, EX1987030010, EX1987030012, EX1987120084, EX1987120090, EX2005050019, EX2005080064, EX2005090495, EX2005110388, EX2008040079, EX2008040079, EX2009110005, EX2010071106, EX2010091304, EX2010091328, EX2010111451, EX1990020341. | UN0367 | Universal Propulsion Company, Inc. |
| EX1987110203, EX1987110204, EX1987110205, EX1987110206, EX1987110210, EX1987110212. | UN0367 | Universal Propulsion Company, Inc. (formerly, OEA Aerospace, Inc.). |

TABLE 2—Continued

| EX approval No.(s) | UN ID No. | Current EX approval holder |
|---|---|---|
| EX2018032147, EX2018072098 | UN0349 | Virgin Orbit, LLC. |
| EX2009060062, EX2009100076, EX2009100075 | UN0349 | W.T. Bell International, Inc. |
| EX2013050766, EX2013050769, EX2013070418, EX2013070465 | UN0384 | W.T. Bell International, Inc. |
| EX2000090134, EX2000090135 | UN0349 | W.T. Bell International, Inc., (Formerly, Specialty Completion Products LLC.). |
| EX2019022745 | UN0349 | Weatherford International, LLC. |
| EX1989030095 | UN0349 | Western Atlas International (form. Dresser Atlas). |
| EX1996100128 | UN0367 | Woerner Engineering, Inc. |
| EX2006040223 | UN0367 | Zaugg Elektronik AG. |

Issued in Washington, DC, on April 29, 2021.

**William S. Schoonover,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2021–09390 Filed 5–3–21; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8824

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8824, Like-Kind Exchanges.

**DATES:** Written comments should be received on or before July 6, 2021 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Like-Kind Exchanges.

*OMB Number:* 1545–1190.

*Form Number:* 8824.

*Abstract:* Form 8824 is used by individuals, corporations, partnerships, and other entities to report the exchange of business or investment property, and the deferral of gains from such transactions under Internal Revenue Code section 1031. It is also used to report the deferral of gain under Code section 1043 from conflict-of-interest sales by certain members of the executive branch of the Federal government.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households and business or other for-profit organizations.

*Estimated Number of Respondents:* 137,547.

*Estimated Number of Respondent:* 4 hours, 50 minutes.

*Estimated Total Annual Burden Hours:* 665,269.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 26, 2021.

**Chakinna B. Clemons,**

*Supervisory Tax Analyst.*

[FR Doc. 2021–09365 Filed 5–3–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8994

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8994, Employer Credit for Paid Family and Medical Leave.

**DATES:** Written comments should be received on or before July 6, 2021 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, or at Internal Revenue Service, Room 6526, 1111

Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Employer Credit for Paid Family and Medical Leave.

*OMB Number:* 1545–2282.

*Form Number:* 8994.

*Abstract:* The law establishes a credit for employers that provide paid family and medical leave to employees. This is a general business credit employers may claim, based on wages paid to qualifying employees while they are on family and medical leave, subject to certain conditions. The credit is for wages paid beginning after December 31, 2017 and it is not available for wages paid beginning after December 31, 2019.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 660,000.

*Estimated Time per Respondent:* 1 hr., 55 min.

*Estimated Total Annual Burden Hours:* 1,280,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request For Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 26, 2021.

**Chakinna B. Clemons,**

*Supervisory Tax Analyst.*

[FR Doc. 2021–09364 Filed 5–3–21; 8:45 am]

**BILLING CODE 4830–01–P**

---

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8904

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Credit for Oil and Gas Production From Marginal Wells.

**DATES:** Written comments should be received on or before July 6, 2021 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to LaNita Van Dyke, at (202) 317–6009, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Credit for Oil and Gas Production From Marginal Wells.

*OMB Number:* 1545–2278.

*Form Number:* 8904.

*Abstract:* Public Law 108–357, Title III, Subtitle C, section 341(a) has caused us to develop a credit for oil and gas production from marginal wells, which is reflected on Form 8904 and its instructions. Tax year 2017 will be the first year Form 8904 and its instructions will be released.

*Current Actions:* There are no changes being made to Form 8904 at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, Individuals or households, not-for-profit institutions, farms, and state, local or tribal governments.

*Estimated Number of Responses:* 20,000.

*Estimated Time per Respondent:* 2 hrs., 58 mins.

*Estimated Total Annual Burden Hours:* 59,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 26, 2021.

**Chakinna B. Clemons,**

*Supervisory Tax Analyst.*

[FR Doc. 2021–09366 Filed 5–3–21; 8:45 am]

**BILLING CODE 4830–01–P**

---

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to Form 8027 and 8027–T

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden associated with Form 8027, *Employer's Annual Information Return of Tip Income and Allocated Tips,* and Form 8027–T, *Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips.*

**DATES:** Written comments should be received on or before July 6, 2021 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to Ronald J. Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Employer's Annual Information Return of Tip Income and Allocated Tips (Form 8027 and 8027–T).

*OMB Number:* 1545–0714.

*Regulation Project Number:* Form 8027 and Form 8027–T.

*Abstract:* Employers must annually report to the IRS receipts and tips from their large food or beverage establishments. Employers use Form 8027 to report that information. In addition, employers use Form 8027 to determine if the employer must allocate tips for tipped employees. Filers of Form 8027 may be required to file electronically. Employers operating more than one food or beverage establishment use Form 8027–T to send multiple Forms 8027 to the IRS.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

*Estimated Number of Respondents:* 52,050.

*Estimated Time per Respondent:* 10 hrs., 22 min.

*Estimated Total Annual Burden Hours:* 488,161.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: April 29, 2021.

**Ronald J. Durbala,**

*IRS Tax Analyst.*

[FR Doc. 2021–09367 Filed 5–3–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### United States Mint

### Establish Price for 2021 United States Mint Silver Numismatic Products

**AGENCY:** United States Mint, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The United States Mint is announcing pricing for United States Mint numismatic products in accordance with the table below:

| Product | Retail price |
|---|---|
| 2021 Morgan Dollar ..... | $85.00 |
| 2021 Peace Dollar ..... | 85.00 |

**FOR FURTHER INFORMATION CONTACT:** Derrick Griffin; United States Mint; 801 9th Street NW; Washington, DC 20220; or call (202) 354–7579.

**Authority:** Public Law 116–286.

**Eric Anderson,**

*Executive Secretary, United States Mint.*

[FR Doc. 2021–09195 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE TREASURY

### United States Mint

### Notification of Citizens Coinage Advisory Committee May 18, 2021, Public Meeting

**ACTION:** Notice of meeting.

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) teleconference public meeting scheduled for May 18, 2021.

*Date:* May 18, 2021.

*Time:* 1:00 p.m. to 4:30 p.m. (EST).

*Location:* This meeting will occur via teleconference. Interested members of the public may dial in to listen to the meeting at (888) 330–1716; Access Code: 1137147.

*Subject:* Review and discussion of candidate designs for the 2023 American Innovation $1 Coin Program (Ohio, Louisiana, Indiana, and Mississippi).

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in listening in to the provided call number, this is a reminder that the public attendance is for listening purposes only. Any member of the public interested in submitting matters for the CCAC's consideration is invited

to submit them by email to *info@ccac.gov.*

*For Accommodation Request:* If you need an accommodation to listen to the CCAC meeting, please contact the Diversity Management and Civil Rights Office by May 12, 2021 at 202–354–7260 or 1–888–646–8369 (TYY).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Warren, United States Mint Liaison to the CCAC; 801 9th Street NW; Washington, DC 20220; or call 202–354–7208.

**Authority:** 31 U.S.C. 5135(b)(8)(C).

**Eric Anderson,**

*Executive Secretary, United States Mint.*

[FR Doc. 2021–09286 Filed 5–3–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF VETERANS AFFAIRS

### Solicitation of Nominations for Appointment to the Veterans and Community Oversight and Engagement Board

**ACTION:** Notice.

**SUMMARY:** The Department of Veterans Affairs (VA) is seeking nominations of qualified candidates to be considered for appointment as a member of the Veterans and Community Oversight and Engagement Board (herein-after referred in this section to as ''the Board'') for the VA West Los Angeles Campus in Los Angeles, CA (''Campus''). The Board is established to coordinate locally with the Department of Veterans Affairs to identify the goals of the community and Veteran partnership; provide advice and recommendations to the Secretary to improve services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and provide advice and recommendations on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any other successor master plans.

**DATES:** Nominations for membership on the Board must be received no later than 5:00 p.m. EST on July 1, 2021.

**ADDRESSES:** All nominations should be mailed to the Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW (30), Washington, DC 20420; or sent electronically to the Advisory Committee Management Office mailbox at *vaadvisorycmte@va.gov*.

**FOR FURTHER INFORMATION CONTACT:** Eugene W. Skinner Jr., Designated Federal Officer, Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW (30), Washington, DC 20420, telephone 202–631–7645 or via email at *Eugene.Skinner@va.gov*.

**SUPPLEMENTARY INFORMATION:** In carrying out the duties set forth in the West LA Leasing Act, the Board shall:

(1) Provide the community with opportunities to collaborate and communicate by conducting public forums; and

(2) Focus on local issues regarding the Department that are identified by the community with respect to health care, implementation of the Master Plan, and any subsequent plans, benefits, and memorial services at the Campus. Information on the Master Plan can be found at *https://www.losangeles.va.gov/masterplan/.*

**Authority:** The Board is a statutory committee established as required by Section 2(i) of the West Los Angeles Leasing Act of 2016, Public Law 114–226 (the West LA Leasing Act). The Board operates in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

*Membership Criteria and Qualifications:* VA is seeking nominations for Board membership. The Board is composed of fifteen members and several ex-officio members. The Board meets up to four times annually; and it is important that Board members attend meetings to achieve a quorum so that Board can effectively carry out its duties. The members of the Board are appointed by the Secretary of Veterans Affairs from the general public, from various sectors and organizations, and shall meet the following qualifications, as set forth in the West LA Leasing Act:

(1) Not less than 50% of members shall be Veterans; and

(2) Non-Veteran members shall be:

a. Family members of Veterans,

b. Veteran advocates,

c. Service providers,

d. Real estate professionals familiar with housing development projects, or

e. Stakeholders.

The Board members may also serve as Subcommittee members.

In accordance with the Board Charter, the Secretary shall determine the number, terms of service, and pay and allowances of Board members, except that a term of service of any such member may not exceed two years. The Secretary may reappoint any Board member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications including but not limited to subject matter experts in the areas described above. We ask that nominations include any relevant experience and information so that VA can ensure diverse Board membership.

### Requirements for Nomination Submission

Nominations should be typed written (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Board;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae, not to exceed three pages and a one-page cover letter; and

(4) A summary of the nominee's experience and qualifications relative to the membership criteria and professional qualifications criteria listed above.

The Department makes every effort to ensure that the membership of VA Federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Board shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Board and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: April 28, 2021.

**Jelessa M. Burney,**

*Federal Advisory Committee Management Officer.*

[FR Doc. 2021–09276 Filed 5–3–21; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

Vol. 86 Tuesday,

No. 84 May 4, 2021


Part II

## Department of the Interior

Fish and Wildlife Service

50 CFR Parts 32 and 71

2021–2022 Station-Specific Hunting and Sport Fishing Regulations; Proposed Rule

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Parts 32 and 71**

**[Docket No. FWS–HQ–NWRS–2021–0027; FXRS12610900000–212–FF09R20000]**

**RIN 1018–BF09**

# 2021–2022 Station-Specific Hunting and Sport Fishing Regulations

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to open, for the first time, seven National Wildlife Refuges (NWRs) that are currently closed to hunting and sport fishing. In addition, we propose to open or expand hunting and sport fishing at 83 other NWRs, and add pertinent station-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2021–2022 season. We also propose to open hunting or sport fishing on one unit of the National Fish Hatchery System (NFH). We propose to add pertinent station-specific regulations that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing at this NFH for the 2021–2022 season. Finally, we propose to make regulatory changes to existing station-specific regulations in order to reduce the regulatory burden on the public, increase access for hunters and anglers on Service lands and waters, and comply with a Presidential mandate for plain language standards.

**DATES:**

*Written comments:* We will accept comments received or postmarked on or before July 6, 2021.

*Information collection requirements:* If you wish to comment on the information collection requirements in this proposed rule, please send your comments and suggestions on this information collection by July 6, 2021.

**ADDRESSES:**

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

- *Electronically:* Go to the *Federal eRulemaking Portal: http://www.regulations.gov.* In the Search box, type in FWS–HQ–NWRS–2021–0027, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting screen, find the correct document and submit a comment by clicking on ''Comment Now!''
- *By hard copy:* Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: FWS–HQ–NWRS–2021–0027; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information).

*Information collection requirements:* Send your comments and suggestions on the information collection requirements to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0140 in the subject line of your comments.

*Supporting documents:* For information on a specific refuge's or hatchery's public use program and the conditions that apply to it, contact the respective regional office at the address or phone number given in Available Information for Specific Stations under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Christian Myers, (571) 422–3595.

**SUPPLEMENTARY INFORMATION:**

## Background

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended (Administration Act), closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review hunting and sport fishing programs to determine whether to include additional stations or whether individual station regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to station-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of station purposes or the Service's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations at part 32 (50 CFR part 32), and on hatcheries at part 71 (50 CFR part 71). We regulate hunting and sport fishing to:

- Ensure compatibility with refuge and hatchery purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other values;
- Ensure visitor safety; and
- Provide opportunities for fish- and wildlife-dependent recreation.

On many stations where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other stations, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined under Statutory Authority, below. We issue station-specific hunting and sport fishing regulations when we open wildlife refuges and fish hatcheries to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish; seasons; bag or creel (container for carrying fish) limits; methods of hunting or sport fishing; descriptions of areas open to hunting or sport fishing; and other provisions as appropriate.

## Statutory Authority

The Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act; Pub. L. 105–57), governs the administration and public use of refuges, and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) governs the administration and public use of refuges and hatcheries.

Amendments enacted by the Improvement Act were built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that

we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System and Hatchery System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge or hatchery lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop station-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge or hatchery and the Refuge and Hatchery System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired land through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR parts 32 and 71. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

## Proposed Amendments to Existing Regulations

### *Updates to Hunting and Fishing Opportunities on NWRs and NFHs*

This document proposes to codify in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that we would update since the last time we published a rule amending these regulations (85 FR 54076; August 31, 2020) and that are applicable at Refuge System and Hatchery System units previously opened to hunting and/or sport fishing. We propose this to better inform the general public of the regulations at each station, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR parts 32 and 71, visitors to our refuges and hatcheries may find them reiterated in literature distributed by each station or posted on signs.

TABLE 1—PROPOSED CHANGES FOR 2021–2022 HUNTING/SPORT FISHING SEASON

| Station | State | Migratory bird hunting | Upland game hunting | Big game hunting | Sport fishing |
|---|---|---|---|---|---|
| Audubon NWR | North Dakota | Closed | Already Open | E | Already Open. |
| Bald Knob NWR | Arkansas | O/E | O/E | Already Open | Already Open. |
| Bayou Sauvage NWR | Louisiana | O/E | O | O | E. |
| Bayou Teche NWR | Louisiana | O/E | O/E | E | Already Open. |
| Big Branch Marsh NWR | Louisiana | O/E | O/E | O/E | E. |
| Big Lake NWR | Arkansas | Closed | O | O/E | Already Open. |
| Bill Williams River NWR | Arizona | E | O/E | O/E | Already Open. |
| Bogue Chitto NWR | Louisiana & Mississippi | O/E | O/E | E | Already Open. |
| Bond Swamp NWR | Georgia | E | E | E | Already Open. |
| Brazoria NWR | Texas | O | Closed | Closed | E. |
| Cache River NWR | Arkansas | O/E | O | E | Already Open. |
| Caddo Lake NWR | Texas | Closed | O | Already Open | Closed. |
| Camas NWR | Idaho | O | Already Open | O | Closed. |
| Cape May NWR | New Jersey | O/E | O/E | E | E. |
| Cat Island NWR | Louisiana | O/E | O/E | E | Already Open. |
| Charles M. Russell NWR | Montana | Already Open | Already Open | O | Already Open. |
| Cherry Valley NWR | Pennsylvania | E | O/E | E | Already Open. |
| Choctaw NWR | Alabama | O | O/E | E | Already Open. |
| Crab Orchard NWR | Illinois | Already Open | Already Open | Already Open | E. |
| Cypress Creek NWR | Illinois | E | E | E | E. |
| Dale Bumpers White River NWR | Arkansas | O | Already Open | Already Open | Already Open. |
| Delta NWR | Louisiana | O/E | O/E | O/E | Already Open. |
| Desert NWR | Nevada | O | O | Already Open | Closed. |
| Don Edwards NWR | California | E | Closed | Closed | Already Open. |
| Eastern Shore of Virginia NWR | Virginia | O | O | O/E | O. |
| Elizabeth Hartwell Mason Neck NWR. | Virginia | Closed | Closed | E | O. |
| Ernest F. Hollings ACE Basin NWR | South Carolina | Already Open | Closed | O | Already Open. |
| Everglades Headwaters NWR | Florida | E | E | E | Already Open. |
| Featherstone NWR | Virginia | N | Closed | Closed | N. |
| Felsenthal NWR | Arkansas | O/E | E | E | Already Open. |
| Fisherman Island NWR | Virginia | N | Closed | Closed | Closed. |

TABLE 1—PROPOSED CHANGES FOR 2021–2022 HUNTING/SPORT FISHING SEASON—Continued

| Station | State | Migratory bird hunting | Upland game hunting | Big game hunting | Sport fishing |
|---|---|---|---|---|---|
| Florida Panther NWR | Florida | Closed | Closed | N | N. |
| Franklin Island NWR | Maine | N | Closed | Closed | Closed. |
| Grand Bay NWR | Alabama & Mississippi | O | O | O | O. |
| Great Dismal Swamp NWR | Virginia | Closed | O | O/E | Already Open. |
| Great River NWR | Missouri | C | C | C | Already Open. |
| Great Swamp NWR | New Jersey | O | O | O/E | Closed. |
| Green Lake NFH | Maine | Closed | Closed | Closed | N. |
| Hackmatack NWR | Illinois | E | E | E | E. |
| Harbor Island NWR | Michigan | O | O | E | O. |
| Harris Neck NWR | Georgia | Closed | Closed | O/E | Already Open. |
| Havasu NWR | Arizona | O/E | O | Already Open | Already Open. |
| Holla Bend NWR | Arkansas | Closed | O/E | O/E | E. |
| J. Clark Salyer NWR | North Dakota | Already Open | E | E | Already Open. |
| James River NWR | Virginia | Closed | O | O/E | O. |
| Julia Butler Hansen Refuge | Oregon & Washington | E | Closed | Already Open | Already Open. |
| Kern NWR | California | O | Already Open | Closed | Closed. |
| Kootenai NWR | Idaho | Already Open | Already Open | Already Open | E. |
| Lacreek NWR | South Dakota | Already Open | Already Open | Already Open | E. |
| Lake Alice NWR | North Dakota | Already Open | E | E | Already Open. |
| Las Vegas NWR | New Mexico | O | O | O | Closed. |
| Loess Bluffs NWR | Missouri | O | O | O/E | Already Open. |
| Mackay Island NWR | North Carolina & Virginia | O | Closed | O/E | Already Open. |
| Malheur NWR | Oregon | E | E | E | Already Open. |
| Mandalay NWR | Louisiana | O/E | O | E | Already Open. |
| Middle Mississippi River NWR | Missouri | Already Open | E | E | Already Open. |
| Minnesota Valley NWR | Minnesota | Already Open | Already Open | E | Already Open. |
| Missisquoi NWR | Vermont | Already Open | O | Already Open | Already Open. |
| Moosehorn NWR | Maine | E | E | E | Already Open. |
| Muleshoe NWR | Texas | N | N | N | Closed. |
| National Elk Refuge | Wyoming | Closed | Closed | O | Already Open. |
| Neal Smith NWR | Iowa | E | E | E | Closed. |
| Necedah NWR | Wisconsin | E | E | E | Already Open. |
| Neches River NWR | Texas | N | N | N | Closed. |
| Northern Tallgrass Prairie NWR | Minnesota & Iowa | E | E | E | E. |
| Occoquan Bay NWR | Virginia | Closed | O | O/E | O. |
| Ohio River Islands NWR | Pennsylvania, Kentucky, & West Virginia. | O | O | O | Already Open. |
| Ottawa NWR | Ohio | E | E | E | E. |
| Ouray NWR | Utah | O | Already Open | O | Already Open. |
| Patoka River NWR | Indiana | E | E | E | E. |
| Petit Manan NWR | Maine | E | E | E | Closed. |
| Plum Tree Island NWR | Virginia | E | Closed | Closed | O. |
| Pond Island NWR | Maine | N | Closed | Closed | Closed. |
| Presquile NWR | Virginia | Closed | O | O/E | O. |
| Rappahannock River Valley NWR | Virginia | Closed | O | O/E | Already Open. |
| Red River NWR | Louisiana | O | O | Already Open | Already Open. |
| Rice Lake NWR | Minnesota | Already Open | Already Open | E | Already Open. |
| Sam D. Hamilton Noxubee NWR | Mississippi | O/E | O/E | E | Already Open. |
| Sequoyah NWR | Oklahoma | Already Open | Already Open | Already Open | E. |
| Sherburne NWR | Minnesota | O | E | E | Already Open. |
| Silvio O. Conte NWR | New Hampshire | E | O/E | E | E. |
| Sunkhaze Meadows NWR | Maine | Already Open | E | Already Open | Already Open. |
| Supawna Meadows NWR | New Jersey | O | O | O/E | E. |
| Tensas River NWR | Louisiana | O | O | O | Already Open. |
| UL Bend NWR | Montana | Already Open | Already Open | O | Already Open. |
| Upper Ouachita NWR | Louisiana | O/E | O | Already Open | Already Open. |
| Wallkill River NWR | New York & New Jersey | E | E | E | Already Open. |
| Wapanocca NWR | Arkansas | C | O | E | Already Open. |
| Waubay NWR | South Dakota | Closed | Closed | Already Open | E. |
| Wichita Mountains NWR | Oklahoma | Already Open | Closed | Already Open | E. |
| William L. Finley NWR | Oregon | O | Closed | E | Already Open. |

Key:
N = New station opened (New Station).
O = New species and/or new activity on a station previously open to other activities (Opening).
E = Station already open to activity adds new lands/waters, modifies areas open to hunting or fishing, extends season dates, adds a targeted hunt, modifies season dates, modifies hunting hours, etc. (Expansion).
C = Station closing the activity on some or all acres (Closing).

The changes for the 2021–2022 hunting/fishing season noted in the table above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination (for refuges), and the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Through these openings and expansions, we are proposing to open or expand hunting or sport fishing on 2,084,538 acres within the National Wildlife Refuge System and the National Fish Hatchery System.

**Fish Advisory**

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at: *http://www.epa.gov/fish-tech*.

**Request for Comments**

You may submit comments and materials on this proposed rule by any one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post your entire comment on *http://www.regulations.gov*. Before including personal identifying information in your comment, you should be aware that we may make your entire comment—including your personal identifying information—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. We will post all hardcopy comments on *http://www.regulations.gov*.

**Required Determinations**

*Clarity of This Proposed Rule*

Executive Orders 12866 and 12988 and the Presidential Memorandum of June 1, 1998, require us to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

*Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rulemaking is not significant.

Executive Order (E.O.) 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

*Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would open or expand hunting and sport fishing on 90 NWRs and 1 NFH. As a result, visitor use for wildlife-dependent recreation on these stations will change. If the stations establishing new programs were a pure addition to the current supply of those activities, it would mean an estimated maximum increase of 41,232 user days (one person per day participating in a recreational opportunity; see Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED MAXIMUM CHANGE IN RECREATION OPPORTUNITIES IN 2021–2022

[Dollars in thousands]

| Station | Additional hunting days | Additional fishing days | Additional expenditures |
|---|---|---|---|
| Audubon NWR | 10 | | $0.3 |
| Bald Knob NWR | 30 | | 1.0 |
| Bayou Sauvage NWR | 344 | | 11.6 |
| Bayou Teche NWR | 472 | | 15.9 |
| Big Branch Marsh NWR | 120 | | 4.0 |
| Big Lake NWR | 2 | | 0.1 |
| Bill Williams River NWR | 66 | | 2.2 |

TABLE 2—ESTIMATED MAXIMUM CHANGE IN RECREATION OPPORTUNITIES IN 2021–2022—Continued

[Dollars in thousands]

| Station | Additional hunting days | Additional fishing days | Additional expenditures |
|---|---|---|---|
| Bogue Chitto NWR | 45 | | 1.5 |
| Bond Swamp NWR | 220 | 160 | 13.0 |
| Brazoria NWR | 86 | 365 | 15.7 |
| Cache River NWR | 60 | | 2.0 |
| Caddo Lake NWR | 87 | | 2.9 |
| Camas NWR | 250 | | 8.4 |
| Cape May NWR | 100 | | 3.4 |
| Cat Island NWR | 45 | | 1.5 |
| Charles M. Russell NWR | 10 | | 0.3 |
| Cherry Valley NWR | | | |
| Choctaw NWR | 82 | | 2.8 |
| Crab Orchard NWR | | 3,000 | 105.2 |
| Cypress Creek NWR | 15 | | 0.5 |
| Dale Bumpers White River NWR | 132 | | 4.4 |
| Delta NWR | 85 | | 2.9 |
| Desert NWR | 103 | | 3.5 |
| Don Edwards NWR | 118 | | 4.0 |
| Eastern Shore of Virginia NWR | 414 | | 13.9 |
| Elizabeth Hartwell Mason Neck NWR | | 1,200 | 42.1 |
| Ernest F. Hollings ACE Basin NWR | 14 | | 0.5 |
| Everglades Headwaters NWR | | | |
| Featherstone NWR | 670 | 1,200 | 64.7 |
| Felsenthal NWR | 1,000 | | 33.7 |
| Fisherman Island NWR | 150 | | 5.1 |
| Florida Panther NWR | 6 | 365 | 13.0 |
| Franklin Island NWR | 137 | | 4.6 |
| Grand Bay NWR | 920 | 730 | 56.6 |
| Great Dismal Swamp NWR | 465 | | 15.7 |
| Great River NWR | | | |
| Great Swamp NWR | 500 | | 16.8 |
| Green Lake NFH | | 365 | 12.8 |
| Hackmatack NWR | 40 | 30 | 2.4 |
| Harbor Island NWR | 62 | 100 | 5.6 |
| Harris Neck NWR | 68 | | 2.3 |
| Havasu NWR | 89 | | 3.0 |
| Holla Bend NWR | 100 | | 3.4 |
| J. Clark Salyer NWR | 10 | | 0.3 |
| James River NWR | 160 | 1,200 | 47.5 |
| Julia Butler Hansen Refuge | 50 | | 1.7 |
| Kern NWR | 30 | | 1.0 |
| Kootenai NWR | | 50 | 1.8 |
| Lacreek NWR | | 15 | 0.5 |
| Lake Alice NWR | 10 | | 0.3 |
| Las Vegas NWR | 28 | | 0.9 |
| Loess Bluffs NWR | 363 | | 12.2 |
| Mackay Island NWR | 200 | | 6.7 |
| Malheur NWR | 232 | | 7.8 |
| Mandalay NWR | 519 | | 17.5 |
| Middle Mississippi River NWR | 10 | | 0.3 |
| Minnesota Valley NWR | | | |
| Missisquoi NWR | 400 | | 13.5 |
| Moosehorn NWR | 50 | | 1.7 |
| Muleshoe NWR | 75 | 10 | 2.9 |
| National Elk Refuge | 48 | | 1.6 |
| Neal Smith NWR | 27 | | 0.9 |
| Necedah NWR | 30 | | 1.0 |
| Neches River NWR | 2,161 | | 72.8 |
| Northern Tallgrass Prairie NWR | 69.6 | 5.48 | 2.5 |
| Occoquan Bay NWR | 280 | 1,200 | 51.5 |
| Ohio River Islands NWR | 530 | | 17.9 |
| Ottawa NWR | 18 | 160 | 6.2 |
| Ouray NWR | 45 | | 1.5 |
| Patoka River NWR | 15 | 2 | 0.6 |
| Petit Manan NWR | 700 | | 23.6 |
| Plum Tree Island NWR | | 300 | 10.5 |
| Pond Island NWR | 138 | | 4.6 |
| Presquile NWR | 10 | 1,200 | 42.4 |
| Rappahannock NWR | 497 | | 16.7 |
| Red River NWR | | | |
| Rice Lake NWR | 48 | | 1.6 |

TABLE 2—ESTIMATED MAXIMUM CHANGE IN RECREATION OPPORTUNITIES IN 2021–2022—Continued

[Dollars in thousands]

| Station | Additional hunting days | Additional fishing days | Additional expenditures |
|---|---|---|---|
| Sam D. Hamilton Noxubee NWR | 7 | | 0.2 |
| Sequoyah NWR | | 2,000 | 70.1 |
| Sherburne NWR | 444 | | 15.0 |
| Silvio O. Conte NWR | 50 | 0 | 1.7 |
| Sunkhaze Meadows NWR | 10 | | 0.3 |
| Supawna Meadows NWR | 500 | | 16.8 |
| Tensas River NWR | 16 | | 0.5 |
| UL Bend NWR | 10 | | 0.3 |
| Upper Ouachita NWR | 45 | | 1.5 |
| Wallkill River NWR | | | |
| Wapanocca NWR | 130 | 90 | 7.5 |
| Waubay NWR | | 15 | 0.5 |
| Wichita Mountains NWR | | 12,123 | 425.2 |
| William L. Finley NWR | 264 | | 8.9 |
| Total | 15,347 | 25,885 | 1,424.7 |

To the extent visitors spend time and money in the area of the station that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2016 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System and the Hatchery System yields approximately $1.4 million in recreation-related expenditures (see Table 2, above). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.51) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.51) derived from the report ''Sportfishing in America'' yields a total maximum economic impact of approximately $5.4 million (2020 dollars) (Southwick Associates, Inc., 2018). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending will be ''new'' money coming into a local economy; therefore, this spending will be offset with a decrease in some other sector of the local economy. The net gain to the local economies will be no more than $5.4 million, and likely less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns will not add new money into the local economy and, therefore, the real impact will be on the order of about $1.1 million annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait-and-tackle shops, and similar businesses) may be affected by some increased or decreased station visitation. A large percentage of these retail trade establishments in the local communities around NWRs and NFHs qualify as small businesses (see Table 3, below). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect at most 1.4 million to be spent in total in the refuges' local economies. The maximum increase will be less than three-hundredths of 1 percent for local retail trade spending (see Table 3, below). Table 3 does not include entries for those NWRs and NFHs for which we project no changes in recreation opportunities in 2021–2022; see Table 2, above.

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2021–2022

[Thousands, 2020 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as % of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 [1] |
|---|---|---|---|---|---|
| Audubon | | | | | |
| McLean, ND | $95,006 | $0.3 | <0.01 | 39 | 29 |
| Bald Knob | | | | | |
| White, AR | 1,110,661 | 1.0 | <0.01 | 311 | 234 |
| Bayou Sauvage | | | | | |
| Orleans, LA | 3,694,534 | 11.6 | <0.01 | 1,343 | 1,021 |
| Bayou Teche | | | | | |
| St. Mary, LA | 559,081 | 15.9 | <0.01 | 186 | 145 |

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2021–2022—Continued

[Thousands, 2020 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as % of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 [1] |
|---|---|---|---|---|---|
| Big Branch Marsh | | | | | |
| St. Tammany, LA | 4,242,548 | 4.0 | <0.01 | 901 | 596 |
| Big Lake | | | | | |
| Mississippi, AR | 442,920 | 0.1 | <0.01 | 144 | 115 |
| Bill Williams River | | | | | |
| La Paz, AZ | 475,421 | 1.1 | <0.01 | 82 | 59 |
| Mohave, AZ | 3,234,501 | 1.1 | <0.01 | 615 | 397 |
| Bogue Chitto | | | | | |
| Washington, LA | 352,900 | 0.5 | <0.01 | 146 | 110 |
| St. Tammany, LA | 4,242,548 | 0.5 | <0.01 | 901 | 596 |
| Pearl River, MS | 693,664 | 0.5 | <0.01 | 186 | 132 |
| Bond Swamp | | | | | |
| Bibb, GA | 2,835,352 | 6.5 | <0.01 | 780 | 555 |
| Twiggs, GA | 22,447 | 6.5 | 0.03 | 13 | 11 |
| Brazoria | | | | | |
| Brazoria, TX | 4,992,876 | 15.7 | <0.01 | 831 | 546 |
| Cache River | | | | | |
| Woodruff, AR | 47,310 | 0.5 | <0.01 | 31 | 26 |
| Monroe, AR | 66,530 | 0.5 | <0.01 | 35 | 27 |
| Jackson, AR | 242,527 | 0.5 | <0.01 | 68 | 48 |
| Prairie, AR | 54,178 | 0.5 | <0.01 | 32 | 23 |
| Caddo Lake | | | | | |
| Harrison, TX | 638,384 | 2.9 | <0.01 | 184 | 145 |
| Camas | | | | | |
| Jefferson, ID | 221,301 | 8.4 | <0.01 | 56 | 37 |
| Cape May | | | | | |
| Cape May, NJ | 2,043,622 | 3.4 | <0.01 | 644 | 502 |
| Cat Island | | | | | |
| East Feliciana, LA | 82,906 | 1.5 | <0.01 | 41 | 30 |
| Charles M. Russell | | | | | |
| Blaine, MT | 43,638 | <0.1 | <0.01 | 22 | 16 |
| Phillips, MT | 46,381 | <0.1 | <0.01 | 24 | 17 |
| McCone, MT | 17,671 | <0.1 | <0.01 | 9 | 6 |
| Fergus, MT | 166,443 | <0.1 | <0.01 | 62 | 51 |
| Petroleum, MT | D | <0.1 | <0.01 | 3 | 3 |
| Garfield, MT | 14,204 | <0.1 | <0.01 | 4 | 2 |
| Valley, MT | 145,264 | <0.1 | <0.01 | 49 | 39 |
| Choctaw | | | | | |
| Choctaw, AL | 95,301 | 2.8 | <0.01 | 55 | 42 |
| Crab Orchard | | | | | |
| Williamson, IL | 1,240,677 | 105.2 | 0.01 | 259 | 168 |
| Cypress Creek | | | | | |
| Alexander, IL | 19,644 | 0.5 | <0.01 | 18 | 14 |
| Dale Bumpers White River | | | | | |
| Arkansas, AR | 319,247 | 1.1 | <0.01 | 94 | 64 |
| Monroe, AR | 66,530 | 1.1 | <0.01 | 35 | 27 |
| Phillips, AR | 156,413 | 1.1 | <0.01 | 79 | 62 |
| Desha, AR | 130,625 | 1.1 | <0.01 | 64 | 49 |
| Delta | | | | | |
| Plaquemines, LA | 119,957 | 2.9 | <0.01 | 65 | 52 |
| Desert | | | | | |
| Clark, NV | 33,837,749 | 3.5 | <0.01 | 6,178 | 3,828 |
| Don Edwards | | | | | |
| Alameda, CA | 28,390,575 | 4.0 | <0.01 | 4,347 | 2,923 |
| Eastern Shore of Virginia | | | | | |
| Northampton, VA | 117,772 | 13.9 | 0.01 | 59 | 45 |
| Elizabeth Hartwell Mason Neck | | | | | |
| Fairfax, VA | 1,818,140 | 42.1 | <0.01 | 252 | 136 |
| Ernest F. Hollings ACE Basin | | | | | |
| Charleston, SC | 9,065,573 | 0.5 | <0.01 | 2,003 | 1,334 |
| Hampton, SC | 178,354 | 0.5 | <0.01 | 76 | 59 |
| Lancaster, SC | 825,599 | 0.5 | <0.01 | 237 | 174 |
| Featherstone, VA | | | | | |
| Prince William, VA | 6,705,340 | 64.7 | <0.01 | 1,164 | 683 |
| Felsenthal | | | | | |
| Ashley, AR | 193,246 | 11.2 | 0.01 | 68 | 53 |
| Union, AR | 591,376 | 11.2 | <0.01 | 186 | 131 |

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2021–2022—Continued

[Thousands, 2020 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as % of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 [1] |
|---|---|---|---|---|---|
| Bradley, AR | 75,395 | 11.2 | 0.01 | 33 | 25 |
| Fisherman Island | | | | | |
| Northampton, VA | 117,772 | 5.1 | <0.01 | 59 | 45 |
| Florida Panther | | | | | |
| Collier, FL | 7,710,838 | 13.0 | <0.01 | 1,455 | 1,019 |
| Franklin Island | | | | | |
| Knox, ME | 760,425 | 4.6 | <0.01 | 256 | 183 |
| Grand Bay | | | | | |
| Mobile, AL | 5,921,035 | 28.3 | <0.01 | 1,514 | 1,040 |
| Jackson, MS | 1,410,824 | 28.3 | <0.01 | 407 | 296 |
| Great Dismal Swamp | | | | | |
| Sufolk City, VA | 1,225,412 | 7.8 | <0.01 | 229 | 148 |
| Chesapeake City, VA | 4,415,609 | 7.8 | <0.01 | 782 | 445 |
| Great Swamp | | | | | |
| Morris, NJ | 11,015,983 | 16.8 | <0.01 | 1,809 | 1,221 |
| Green Lake | | | | | |
| Hancock, ME | 1,001,578 | 12.8 | <0.01 | 350 | 261 |
| Hackamatack | | | | | |
| McHenry, IL | 4,115,924 | 1.2 | <0.01 | 938 | 607 |
| Walworth, WI | 1,596,199 | 1.2 | <0.01 | 361 | 258 |
| Harbor Island | | | | | |
| Chippewa, MI | 521,726 | 5.6 | <0.01 | 148 | 98 |
| Harris Neck | | | | | |
| McIntosh, GA | 96,007 | 2.3 | <0.01 | 45 | 35 |
| Havasu | | | | | |
| Mohave, AZ | 3,234,501 | 3.0 | <0.01 | 615 | 397 |
| Holla Bend | | | | | |
| Pope, AR | 945,241 | 1.7 | <0.01 | 272 | 185 |
| Yell, AR | 132,972 | 1.7 | <0.01 | 50 | 38 |
| J. Clark Salyer | | | | | |
| Bottineau, ND | 109,978 | 0.2 | <0.01 | 29 | 21 |
| McHenry, ND | 33,913 | 0.2 | <0.01 | 19 | 14 |
| James River | | | | | |
| Prince George, VA | 303,359 | 47.5 | 0.02 | 65 | 42 |
| Julie Butler Hansen | | | | | |
| Clatsop, OR | 808,973 | 0.6 | <0.01 | 269 | 215 |
| Columbia, OR | 417,825 | 0.6 | <0.01 | 119 | 77 |
| Wahkiakum, WA | 8,582 | 0.6 | 0.01 | 6 | 5 |
| Kern | | | | | |
| Kern, CA | 9,906,906 | 1.0 | <0.01 | 1,966 | 1,250 |
| Kootenai | | | | | |
| Boundary, ID | 123,467 | 1.8 | <0.01 | 47 | 37 |
| Lacreek | | | | | |
| Meade, SD | 325,901 | 0.5 | <0.01 | 91 | 67 |
| Lake Alice | | | | | |
| Bottineau, ND | 109,978 | 0.2 | <0.01 | 29 | 21 |
| McHenry, ND | 33,913 | 0.2 | <0.01 | 19 | 14 |
| Las Vegas | | | | | |
| San Miguel, NM | 231,666 | 0.9 | <0.01 | 79 | 49 |
| Loess Bluffs | | | | | |
| Holt, MO | 60,133 | 3.1 | 0.01 | 22 | 18 |
| Andrew, MO | 154,801 | 3.1 | <0.01 | 41 | 28 |
| Gentry, MO | 57,342 | 3.1 | 0.01 | 36 | 25 |
| Daviess, MO | 68,607 | 3.1 | <0.01 | 34 | 25 |
| Mackay Island | | | | | |
| Currituck, NC | 327,336 | 3.4 | <0.01 | 135 | 109 |
| Virginia Beach City, VA | 6,499,109 | 3.4 | <0.01 | 1,468 | 893 |
| Malheur | | | | | |
| Harney, OR | 169,776 | 7.8 | <0.01 | 29 | 17 |
| Mandalay | | | | | |
| Terrebonne, LA | 1,964,261 | 17.5 | <0.01 | 475 | 317 |
| Middle Mississippi River | | | | | |
| Perry, MO | 294,900 | 0.3 | <0.01 | 82 | 46 |
| Missisquoi | | | | | |
| Franklin, VT | 876,359 | 13.5 | <0.01 | 176 | 112 |
| Moosehorn | | | | | |
| Washington, ME | 438,713 | 1.7 | <0.01 | 141 | 88 |

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2021–2022—Continued

[Thousands, 2020 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as % of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 [1] |
|---|---|---|---|---|---|
| Muleshoe | | | | | |
| Bailey, TX | 49,284 | 2.9 | 0.01 | 21 | 15 |
| National Elk Refuge | | | | | |
| Teton, WY | 676,935 | 1.6 | <0.01 | 255 | 211 |
| Neal Smith | | | | | |
| Jasper, IA | 408,507 | 0.9 | <0.01 | 105 | 73 |
| Necedah | | | | | |
| Juneau, WI | 318,073 | 1.0 | <0.01 | 86 | 57 |
| Neches River | | | | | |
| Cameron, TX | 4,868,360 | 36.4 | <0.01 | 1,084 | 686 |
| Anderson, TX | 631,510 | 36.4 | 0.01 | 167 | 124 |
| Northern Tallgrass Prairie | | | | | |
| Murray, MN | 60,148 | 0.6 | <0.01 | 44 | 33 |
| Kandiyohi, MN | 914,193 | 0.6 | <0.01 | 208 | 145 |
| Clay, MN | 779,998 | 0.6 | <0.01 | 161 | 95 |
| Clay, IA | 504,926 | 0.6 | <0.01 | 102 | 70 |
| Occoquan Bay | | | | | |
| Prince William, VA | 6,705,340 | 51.5 | <0.01 | 1,164 | 683 |
| Ohio River Islands | | | | | |
| Beaver, PA | 1,717,000 | 4.5 | <0.01 | 495 | 325 |
| Boyd, KY | 903,141 | 4.5 | <0.01 | 236 | 137 |
| Wood, OH | 1,976,330 | 4.5 | <0.01 | 369 | 218 |
| Wood, WV | 1,631,635 | 4.5 | <0.01 | 361 | 210 |
| Ottawa | | | | | |
| Ottawa, OH | 467,388 | 6.2 | <0.01 | 133 | 99 |
| Ouray | | | | | |
| Uintah, UT | 471,207 | 1.5 | <0.01 | 134 | 88 |
| Patoka River | | | | | |
| Pike, IN | 67,144 | 0.3 | <0.01 | 32 | 23 |
| Gibson, IN | 529,720 | 0.3 | <0.01 | 116 | 76 |
| Petit Manan | | | | | |
| Washington, ME | 438,713 | 4.7 | <0.01 | 141 | 88 |
| Hancock, ME | 1,001,578 | 4.7 | <0.01 | 350 | 261 |
| Knox, ME | 760,425 | 4.7 | <0.01 | 256 | 183 |
| Lincoln, ME | 511,948 | 4.7 | <0.01 | 204 | 157 |
| Cumberland, ME | 7,424,447 | 4.7 | <0.01 | 1,454 | 936 |
| Plum Tree Island | | | | | |
| York, VA | 1,014,306 | 10.5 | <0.01 | 201 | 135 |
| Pond Island | | | | | |
| Knox, ME | 760,425 | 4.6 | <0.01 | 256 | 183 |
| Presquile | | | | | |
| Chesterfield, VA | 7,122,893 | 42.4 | <0.01 | 958 | 589 |
| Rappahannock | | | | | |
| Essex, VA | 233,522 | 3.3 | <0.01 | 65 | 48 |
| King George, VA | 362,404 | 3.3 | <0.01 | 64 | 42 |
| Westmoreland, VA | 122,436 | 3.3 | <0.01 | 44 | 31 |
| Richmond, VA | 2,386,644 | 3.3 | <0.01 | 795 | 578 |
| Caroline, VA | 324,067 | 3.3 | <0.01 | 63 | 48 |
| Rice Lake | | | | | |
| Aitkin, MN | 148,260 | 1.6 | <0.01 | 69 | 48 |
| Sam D. Hamilton Noxubee | | | | | |
| Noxubee, MS | 65,033 | 0.1 | <0.01 | 40 | 35 |
| Winston, MS | 211,903 | 0.1 | <0.01 | 86 | 67 |
| Oktibbeha, MS | 558,982 | 0.1 | <0.01 | 173 | 130 |
| Sequoyah | | | | | |
| Sequoyah, OK | 362,456 | 23.4 | 0.01 | 116 | 87 |
| Muskogee, OK | 958,492 | 23.4 | <0.01 | 263 | 175 |
| Haskell, OK | 154,591 | 23.4 | 0.02 | 37 | 23 |
| Sherburne | | | | | |
| Sherburne, MN | 985,715 | 15.0 | <0.01 | 203 | 126 |
| Silvio O. Conte | | | | | |
| Coos, NH | 575,506 | 0.6 | <0.01 | 172 | 126 |
| Essex, VT | 14,718 | 0.6 | <0.01 | 18 | 15 |
| Windham, VT | 606,157 | 0.6 | <0.01 | 236 | 171 |
| Sunkhaze Meadows | | | | | |
| Waldo, ME | 417,407 | 0.1 | <0.01 | 171 | 131 |
| Kennebec, ME | 2,624,338 | 0.1 | <0.01 | 522 | 320 |

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL STATION VISITATION FOR 2021–2022—Continued

[Thousands, 2020 dollars]

| Station/county(ies) | Retail trade in 2017 [1] | Estimated maximum addition from new activities | Addition as % of total | Establishments in 2017 [1] | Establishments with fewer than 10 employees in 2017 [1] |
|---|---|---|---|---|---|
| Penobscot, ME | 3,443,680 | 0.1 | <0.01 | 705 | 445 |
| Supawna Meadows | | | | | |
| Salem County, NJ | 607,072 | 16.8 | <0.01 | 174 | 119 |
| Tensas River | | | | | |
| Madison, LA | 115,029 | 0.3 | <0.01 | 32 | 20 |
| Tensas, LA | 25,165 | 0.3 | <0.01 | 14 | 12 |
| UL Bend | | | | | |
| Phillips, MT | 46,381 | 0.3 | <0.01 | 24 | 17 |
| Upper Ouachita | | | | | |
| Union, LA | 184,987 | 0.8 | <0.01 | 56 | 45 |
| Morehouse, LA | 207,578 | 0.8 | <0.01 | 74 | 53 |
| Wapanocca | | | | | |
| Crittenden, AR | 702,406 | 7.5 | <0.01 | 149 | 104 |
| Waubay | | | | | |
| Day, SD | 86,538 | 0.5 | <0.01 | 30 | 18 |
| Wichita Mountains | | | | | |
| Comanche, OK | 1,412,420 | 425.2 | 0.03 | 407 | 274 |
| William L. Finley | | | | | |
| Linn, OR | 1,504,418 | 8.9 | <0.01 | 357 | 241 |

[1] U.S. Census Bureau. "D" denotes sample size too small to report data.

With the small change in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected stations. Therefore, we certify that this rule, as proposed, will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

*Small Business Regulatory Enforcement Fairness Act*

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This proposed rule:

a. Would not have an annual effect on the economy of $100 million or more. The minimal impact would be scattered across the country and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule would have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs would occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost would be small. We do not expect this proposed rule to affect the supply or demand for hunting opportunities in the United States, and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending at NWRs. Therefore, if adopted, this rule would have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

*Unfunded Mandates Reform Act*

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The proposed rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

*Takings (E.O. 12630)*

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This proposed rule would affect only visitors at NWRs and NFHs, and would describe what they can do while they are on a Service station.

*Federalism (E.O. 13132)*

As discussed under *Regulatory Planning and Review* and *Unfunded Mandates Reform Act,* above, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this proposed rule, we worked with State governments.

*Civil Justice Reform (E.O. 12988)*

In accordance with E.O. 12988, the Department of the Interior has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

*Energy Supply, Distribution or Use (E.O. 13211)*

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this proposed rule would add 7 NWRs to the list of

refuges open to hunting and sport fishing, open or expand hunting or sport fishing at 83 other NWRs, and open 1 NFH to sport fishing, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

*Consultation and Coordination With Indian Tribal Governments (E.O. 13175)*

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on NWRs and NFHs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

*Paperwork Reduction Act (PRA)*

This proposed rule contains existing and new information collections. All information collections require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB has reviewed and approved the information collection requirements associated with hunting and sport fishing activities across the National Wildlife Refuge System and National Fish Hatchery System and assigned the following OMB control numbers:

- 1018–0140, ''Hunting and Sport Fishing Application Forms and Activity Reports for National Wildlife Refuges, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42, 30.11, 31.15, 32.1 to 32.72'' (Expires 12/31/2023),
- 1018–0102, ''National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36'' (Expires 01/31/2024),
- 1018–0135, ''Electronic Federal Duck Stamp Program'' (Expires 01/31/2023),
- 1018–0093, ''Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 13, 15, 16, 17, 18, 22, 23'' (Expires 08/31/2023), and
- 1024–0252, ''The Interagency Access Pass and Senior Pass Application Processes'' (Expires 09/30/2023).

In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our proposal to revise OMB control number 1018–0140. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

The Service's proposed rule (RIN 1018–BF09) would open, for the first time, hunting and sport fishing on seven NWRs, open or expand hunting and sport fishing at 83 other NWRs, and open hunting or sport fishing on one unit of the NFH. The additional burden associated with these new or expanded hunting and sport fishing opportunities, as well as the revised information collections identified below, require OMB approval.

Many refuges offer hunting and sport fishing activities without collecting any information. Those refuges that do collect hunter and angler information do so seasonally, usually once a year at the beginning of the hunting or sport fishing season. Some refuges may elect to collect the identical information via a non-form format (letter, email, or through discussions in person or over the phone). Some refuges provide the form electronically over the internet. In some cases, because of high demand and limited resources, we often provide hunt opportunities by lottery, based on dates, locations, or type of hunt.

The proposed changes to the existing information collections identified below require OMB approval:

Hunting Applications/Permit (FWS Form 3–2439, Hunt Application—National Wildlife Refuge System)

Form 3–2439 collects the following information from individuals seeking hunting experiences on the NWRs:

- *Lottery Application:* Refuges who administer hunting via a lottery system will use Form 3–2439 as the lottery application. If the applicant is successful, the completed Form 3–2439 also serves as their permit application, avoiding a duplication of burden on the public filling out two separate forms.
- *Date of application:* We often have application deadlines and this information helps staff determine the order in which we received the applications. It also ensures that the information is current.
- *Methods:* Some refuges hold multiple types of hunts, *i.e.,* archery, shotgun, primitive weapons, etc. We ask for this information to identify which opportunity(ies) a hunter is applying for.
- *Species Permit Type:* Some refuges allow only certain species, such as moose, elk, or bighorn sheep to be hunted. We ask hunters to identify which species hunt they are applying for.
- *Applicant information:* We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process, when the applicant is successful in a lottery drawing, or after receiving a permit.
- *Party Members:* Some refuges allow the permit applicant to include additional hunters in their group. We collect the names of all additional hunters, when allowed by the refuge.
- *Parent/Guardian Contact Information:* We collect name, relationship, address, phone number(s), and email for a parent/guardian of youth hunters. We ask for this information in the event of an emergency.
- *Date:* We ask hunters for their preferences for hunt dates.
- *Hunt/Blind Location:* We ask hunters for their preferences for hunt units, areas, or blinds.
- *Special hunts:* Some refuges hold special hunts for youth, hunters who are disabled, or other underserved populations. We ask hunters to identify if they are applying for these special hunts. For youth hunts, we ask for the age of the hunter at the time of the hunt.
- *Signature and date:* To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

*Proposed revisions to FWS Form 3–2439:*

With this submission, we updated the title of the form to include the NFHs. We also updated the Privacy Act Statement on the form to include applicability to all hunting permits (rather than migratory bird hunting) and to also include references to authorized hunting on the NFHs.

Harvest/Fishing Activity Reports

We have four harvest/fishing activity reports, depending on the species. We ask users to report on their success after their experience so that we can evaluate hunt quality and resource impacts. We propose to use the following activity reports, which we distribute during appropriate seasons, as determined by State or Federal regulations:

- FWS Form 3–2359 (Big Game Harvest Report).
- FWS Form 3–2360 (Sport Fishing Report).
- FWS Form 3–2361 (Migratory Bird Hunt Report).
- FWS Form 3–2362 (Upland/Small Game/Furbearer Report).

We collect the following information on the harvest reports:

• *Name of refuge and location:* We ask this to track responses by location, which is important when we manage more than one refuge or activity area from one office.

• *Date:* We ask when the hunter/angler participated in the activity. This helps us identify use trends so we have resources available.

• *Hours/Time in/out:* We ask this to determine how long the hunter/angler participated in the activity. We also use this to track use so we can allocate resources appropriately.

• *Name, City, State:* We ask for a name so we can identify the user. We ask for residence information to help establish use patterns (if users are local or traveling).

• *Number harvested/caught based on species:* We ask this to determine the impacts on wildlife/fish populations, relative success, and quality of experience.

• *Species harvested/caught:* We ask this to determine the impacts on wildlife/fish populations, relative success, and quality of experience.

*Proposed revisions to harvest activity reports:*

With this submission, we propose a new harvest form (FWS Form 3–2542, ''Hunter Harvest Report'') to replace FWS Forms 3–2359, 3–2361, and 3–2362 to simplify reporting requirements and to reduce burden on the public. In addition to the fields previously approved by OMB on the original three harvest report forms, we added the following additional fields to aid the refuge in management of the reports:

• State issued hunter identification/license number (NOTE: Refuges/hatcheries that rely on the State agency to issue hunting permits are not required to collect the permittee's personal identifying information (PII) on the harvest form. Those refuges/hatcheries may opt to collect only the State ID number assigned to the hunter in order to match harvest data with their issued permit. Refuges/hatcheries will collect either hunter PII or State-issued ID#, but not both.)

• Species observed—Data will be used by refuge/hatchery staff to document the presence of rare or unusual species.

• Permit number/type—Data will be used to link the harvest report to the issued permit.

• Hunt Tag Number—Data will be used to link the harvest report to the species-specific hunt tag.

• Number of youth (under 18) in party—Data will be used to better understand volume of youth hunting on a refuge/hatchery. Specific hunter names are not collected, just total number of youths in hunting party.

• Harvested by—Data will be used to determine ratio of adults to youth hunters. Specific hunter names are not collected

• Species observed—Data will be used by a refuge/hatchery to determine the presence of any unusual species (*e.g.,* threatened or endangered species, or invasive species).

Self-Clearing Check-in Permit (FWS Form 3–2405)

FWS Form 3–2405 has three parts:

• Self-Clearing Daily Check-in Permit. Each user completes this portion of the form (date of visit, name, and telephone numbers) and deposits it in the permit box prior to engaging in any activity on the refuge.

• Self-Clearing Daily Visitor Registration Permit. Each user must complete the front side of the form (date, name, city, State, zip code, and purpose of visit) and carry this portion while on the refuge. At the completion of the visit, each user must complete the reverse side of the form (number of hours on refuge, harvest information (species and number), harvest method, angler information (species and number), and wildlife sighted (*e.g.,* black bear and hog)) and deposit it in the permit box.

• Self-Clearing Daily Vehicle Permit. The driver and each user traveling in the vehicle must complete this portion (date) and display in clear view in the vehicle while on the refuge.

We use FWS Form 3–2405 to collect:

• Information on the visitor (name, address, and contact information). We use this information to identify the visitor or driver/passenger of a vehicle while on the refuge. This is extremely valuable information should visitors become lost or injured. Law enforcement officers can easily check vehicles for these cards in order to determine a starting point for the search or to contact family members in the event of an abandoned vehicle. Having this information readily available is critical in a search and rescue situation.

• Purpose of visit (hunting, sport fishing, wildlife observation, wildlife photography, auto touring, birding, hiking, boating/canoeing, visitor center, special event, environmental education class, volunteering, other recreation). This information is critical in determining public use participation in wildlife management programs. This not only allows the refuge to manage its hunt and other visitor use programs, but also to increase and/or improve facilities for non-consumptive uses that are becoming more popular on refuges. Data collected will also help managers better allocate staff and resources to serve the public as well as develop annual performance measures.

• Success of harvest by hunters/anglers (number and type of harvest/caught). This information is critical to wildlife management programs on refuges. Each refuge will customize the form by listing game species and incidental species available on the refuge, hunting methods allowed, and data needed for certain species (*e.g.,* for deer, whether itis a buck or doe and the number of points; or for turkeys, the weight and beard and spur lengths).

• Visitor observations of incidental species. This information will help managers develop annual performance measures and it provides information to help develop resource management planning.

• Photograph of animal harvested (specific refuges only). This requirement documents the sex of animal prior to the hunter being eligible to harvest the opposite sex (where allowed).

• Date of visit and/or area visited.

• Comments. We encourage visitors to comment on their experience.

*Proposed revisions to FWS Form 3–2405:*

With this submission, we added vehicle license plate number, state issued, and make/model of vehicle fields as optional fields for refuges/hatcheries. This information is required by law enforcement purposes for search and rescue/emergency response activities, as well as to verify ownership of vehicles in the event of damage on the refuge/hatchery, accidents, or other related law enforcement purposes.

We will not propose any changes to the remaining information collections identified below currently approved by OMB:

Sport Fishing Application/Permit (FWS Form 3–2358, ''Sport Fishing-Shrimping-Crabbing-Frogging Permit Application'')

Form 3–2358 allows the applicant to choose multiple permit activities, and requests the applicant provide the state fishing license number. The form provides the refuge with more flexibility to insert refuge-specific requirements/instructions, along with a permit number and validity dates for season issued.

We collect the following information from individuals seeking sport fishing experiences:

• *Date of application:* We often have application deadlines and this information helps staff determine the order in which we received the

applications. It also ensures that the information is current.

- *State fishing license number:* We ask for this information to verify the applicant is legally licensed by the state (where required).
- *Permit Type:* On sport fishing permits, we ask what type of activity (crabbing, shrimping, frogging, etc.) is being applied for.
- *Applicant information:* We collect name, address, phone number(s), and email so we can contact the applicant/permittee either during the application process or after receiving a permit.
- *Signature and date:* To confirm that the applicant (and parent/guardian, if a youth hunter) understands the terms and conditions of the permit.

Labeling/Marking Requirements

As a condition of the permit, some refuges require permittees to label hunting and/or sport fishing gear used on the refuge. This equipment may include items such as the following: Tree stands, blinds, or game cameras; hunting dogs (collars); flagging/trail markers; boats; and/or sport fishing equipment such as jugs, trotlines, and crawfish or crab traps. Refuges require the owner label their equipment with their last name, the state issued hunting/fishing license number, and/or hunting/fishing permit number. Refuges may also require equipment for youth hunters include ''YOUTH'' on the label. This minimal information is necessary in the event the refuge needs to contact the owner.

Required Notifications

On occasion, hunters may find their game has landed outside of established hunting boundaries. In this situation, hunters must notify an authorized refuge employee to obtain consent to retrieve the game from an area closed to hunting or entry only upon specific consent. Certain refuges also require hunters to notify the refuge manager when hunting specific species (*e.g.,* black bear, bobcat, or eastern coyote) with trailing dogs. Refuges encompassing privately owned lands, referred to as ''easement overlay refuges'' or ''limited-interest easement refuges,'' may also require the hunter obtain written or oral permission from the landowner prior to accessing the land.

Due to the wide range of hunting and sport fishing opportunities offered on the NWRs and NFHs, the refuges and fish hatcheries may customize the forms to remove any fields that are not pertinent to the recreational opportunities they offer. Refuges will not add any new fields to the forms, but the order of the fields may be reorganized. Refuges may also customize the forms with instructions and permit conditions specific to a particular unit for the hunting/sport fishing activity.

*Title of Collection:* Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges and National Fish Hatcheries, 50 CFR 32 and 71.

*OMB Control Number:* 1018–0140.

*Form Number:* FWS Forms 3–2358, 3–2360, 3–2405, 3–2439, and 3–2542.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Individuals and households.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.

*Estimated Annual Non-hour Burden Cost:* None.

| Activity | Annual number of responses | Completion time per response (minutes) | Total annual burden hours |
|---|---|---|---|
| Fish/Crab/Shrimp Application/Permit (Form 3–2358) | 2,659 | 5 | 222 |
| Harvest Reports (Forms 3–2360 and 3–2542 *NEW*) | 590,986 | 15 | 147,747 |
| Hunt Application/Permit (Form 3–2439) | 360,998 | 10 | 60,166 |
| Labeling/Marking Requirements | 2,326 | 10 | 388 |
| Required Notifications | 489 | 30 | 245 |
| Self-Clearing Check-In Permit (Form 3–2405) | 672,945 | 5 | 56,079 |
| Totals | 1,630,403 | ..... | 264,847 |

The above burden estimates indicate an expected total of 1,630,403 responses and 264,847 burden hours across all of our forms. These totals reflect expected increases of 24,331 responses and 3,963 burden hours relative to our previous information collection request. We expect such burden increases as a direct result of the increased number of hunting and fishing opportunities on Service stations under the proposed rule.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) 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, *e.g.,* permitting electronic submission of response.

Send your comments and suggestions on this information collection by the date indicated under *Information Collection Requirements* in **DATES** to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0140 in the subject line of your comments.

*Endangered Species Act Section 7 Consultation*

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which would include hunting and/or fishing plans—for public use of refuges and hatcheries, and prior to implementing any new or revised public recreation program on a station as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected stations.

*National Environmental Policy Act*

We analyzed this proposed rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of proposed amendments to station-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge or hatchery to the list of areas open to hunting and fishing in 50 CFR parts 32 and 71, we develop hunting and fishing plans for the affected stations. We incorporate these proposed station hunting and fishing activities in the station comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA, the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500 through 1508, and the Department of Interior's NEPA regulations 43 CFR part 46. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the stations at the addresses provided below.

**Available Information for Specific Stations**

Individual refuge and hatchery headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge or hatchery, contact the appropriate Service office for the States listed below:

Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6203.

Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW, Albuquerque, NM 87103; Telephone (505) 248–6635.

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5476.

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7356.

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–4377.

Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 767–9241.

**Primary Author**

Christian Myers, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

**List of Subjects**

*50 CFR Part 32*

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

*50 CFR Part 71*

Fish, Fishing, Wildlife.

**Proposed Regulation Promulgation**

For the reasons set forth in the preamble, we propose to amend title 50, chapter I, subchapters C and E of the Code of Federal Regulations as follows:

**SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM**

## PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

■ 2. Amend § 32.7 by:
■ a. Redesignating paragraphs (i)(6) through (15) as paragraphs (i)(7) through (16) and adding a new paragraph (i)(6);
■ b. Revising paragraph (s);
■ c. Redesignating paragraphs (qq)(12) through (14) as paragraphs (qq)(14) through (16) and adding new paragraphs (qq)(12) and (13); and
■ d. Redesignating paragraphs (tt)(5) through (12) as paragraphs (tt)(7) through (14) and adding new paragraphs (tt)(5) and (6).

The additions and revision read as follows:

**§ 32.7 What refuge units are open to hunting and/or sport fishing?**

* * * * *

(i) * * *

(6) Florida Panther National Wildlife Refuge.

* * * * *

(s) *Maine.* (1) Franklin Island National Wildlife Refuge.

(2) Moosehorn National Wildlife Refuge.

(3) Petit Manan National Wildlife Refuge.

(4) Pond Island National Wildlife Refuge.

(5) Rachel Carson National Wildlife Refuge.

(6) Sunkhaze Meadows National Wildlife Refuge.

(7) Umbagog National Wildlife Refuge.

* * * * *

(qq) * * *

(12) Muleshoe National Wildlife Refuge.

(13) Neches River National Wildlife Refuge.

* * * * *

(tt) * * *

(5) Featherstone National Wildlife Refuge.

(6) Fisherman Island National Wildlife Refuge.

* * * * *

■ 3. Amend § 32.20 by:
■ a. Adding paragraph (c)(1);

■ b. Revising paragraphs (c)(2) and (3);
■ c. Removing paragraph (c)(4)(ii); and
■ d. Redesignating paragraphs (c)(4)(iii) through (v) as paragraphs (c)(4)(ii) through (iv).

The addition and revisions read as follows:

**§ 32.20 Alabama.**

* * * * *

(c) *Choctaw National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, light and dark geese, coot, and merganser on designated areas of the refuge subject to the following conditions:

(i) We only allow migratory game bird hunting during the Special Youth, Veteran, and Active Military Personnel Waterfowl Hunting Days determined by the State. Regular waterfowl season shooting hours, bag limits, and legal arms and ammunition apply to the special days.

(ii) You must remove all decoys, blind materials, and harvested game from the refuge (see § 27.93 of this chapter) by 1 p.m. each day.

(iii) Hunters may enter the refuge at 4 a.m. and must stop hunting at 12 p.m. (noon) each day.

(iv) We allow the use of dogs for retrieval of migratory birds.

(v) We allow the incidental take of coyote, beaver, opossum, nutria, raccoon, and feral hog during any refuge hunt with the weapons legal for that hunt, as governed by the State of Alabama.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and incidental take of coyote, beaver, raccoon, opossum, and nutria, on designated areas of the refuge subject to the following conditions:

(i) We prohibit leaving unattended personal property, including, but not limited to, boats or vehicles of any type, geocaches, lumber, and cameras, overnight on the refuge (see § 27.93 of this chapter).

(ii) All persons age 15 or younger, while hunting on the refuge, must be in the presence and under direct supervision of a licensed or exempt hunter age 21 or older. A licensed hunter supervising a youth must hold a valid State license for the species being hunted. One adult may supervise no more than two youth hunters.

(iii) We allow the use of dogs when hunting squirrel and rabbit.

(iv) Hunters may only hunt during designated days and times.

(v) The condition set forth at paragraph (c)(1)(v) of this section applies.

(3) *Big game hunting.* We allow hunting of white-tailed deer and incidental take of feral hog subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(v), and (c)(2)(i) and (ii) of this section apply.

(ii) Deer hunters may place one portable stand or blind on the refuge for use while deer hunting, but only during the open deer season. The stand must be clearly labeled with the hunter's State hunting license number. You may leave the stand or blind on the refuge overnight during the deer season.

(iii) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on the refuge, hunters must use a fall-arrest system (full body harness) that is manufactured to the Tree Stand Manufacturers Association's standards.

(iv) Deer hunts are archery only except during the State Special Opportunity Areas (SOA) hunt.

(v) The State SOA hunt will occur 4 days per year on the refuge as specified by State SOA regulations.

(vi) Hunters must be selected for and possess a State limited quota permit in order to participate in the State SOA hunt on the refuge.

(vii) We allow the use of muzzleloaders only during the State SOA hunt.

* * * * *

■ 4. Amend § 32.22 by:
■ a. Revising paragraphs (a)(1) through (3), (b)(1)(iii), (c)(1)(i), (c)(2) introductory text, (c)(3)(ii), and (e);
■ b. Adding paragraphs (h)(1)(iv) and (v); and
■ c. Revising paragraphs (h)(2)(ii) and (iii), and (h)(3)(ii).

The revisions and additions read as follows:

**§ 32.22 Arizona.**

* * * * *

(a) * * *

(1) *Migratory game bird hunting.* We allow hunting of mourning and white-winged dove on designated areas of the refuge subject to the following conditions:

(i) We allow only shotguns and archery equipment for hunting.

(ii) We prohibit hunting within 50 yards (45 meters) of any road or trail open to public use and within ¼ mile (402 meters) of any building.

(iii) You must remove boats, equipment, temporary blinds, stands, etc., at the end of each day's activities (see § 27.93 of this chapter).

(iv) Hunters may enter the refuge ½ hour before legal sunrise and must leave the refuge no later than ½ hour after legal sunset.

(2) *Upland game hunting.* We allow hunting of Gambel's quail, Eurasian collared-dove, cottontail rabbit, coyote, gray fox, and kit fox on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (iv) of this section apply, except that we also allow muzzleloading shotguns for cottontail rabbit hunting.

(ii) We allow hunting of Gambel's quail in alignment with the State quail season.

(iii) We allow hunting of cottontail rabbit from September through February aligning with the beginning of the State dove season and the end of the State quail season.

(iv) We allow hunting of Eurasian collared-dove during the State mourning and white-winged dove season.

(v) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of desert bighorn sheep and javelina on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(ii) through (iv) of this section apply.

(ii) We allow the use of rifles, muzzleloaders, and archery for desert bighorn sheep hunting.

(iii) We allow shotguns shooting shot and slugs, and archery equipment for javelina hunting.

* * * * *

(b) * * *

(1) * * *

(iii) We allow the use of dogs when hunting.

* * * * *

(c) * * *

(1) * * *

(i) We require hunters to obtain a visitor access permit (Department of Defense form/requirement) from the refuge.

* * * * *

(2) *Upland game hunting.* We allow hunting of Gambel's quail, Eurasian collared-dove, desert cottontail rabbit, antelope jackrabbit and black-tailed jackrabbit, coyote, bobcat, and kit and gray fox in designated areas of the refuge subject to the following conditions:

* * * * *

(3) * * *

(ii) We require Special Use Permits for all guides (FWS Form 3–1383–C), stock animals (FWS Form 3–1383–G), and bighorn sheep hunters (FWS Form 3–1383–G).

* * * * *

(e) *Havasu National Wildlife Refuge*—(1) *Migratory game bird hunting.* We

allow hunting of mourning and white-winged dove, duck, American coot, common gallinule, goose, and snipe on designated areas of the refuge subject to the following conditions:

(i) We prohibit falconry.

(ii) We allow only shotguns, crossbows, and archery equipment for hunting.

(iii) You must remove all decoys, boats, trash items, cameras, temporary blinds, stands, and other equipment at the end of each day's activities (see §§ 27.93 and 27.94 of this chapter).

(iv) We allow the use of dogs when hunting.

(v) The following conditions apply to Pintail Slough (Quota Hunt Area):

(A) We require a fee for Quota waterfowl hunting.

(B) We limit the number of persons at each waterfowl hunt blind or field to four. Observers cannot hold shells or guns for hunting unless in possession of a valid State hunting license and stamps.

(C) Waterfowl hunters must hunt within the designated boundaries of their assigned blind or field.

(D) You may use only native vegetation or materials for making or fixing hunt blinds.

(E) We allow waterfowl hunting on Wednesdays, Saturdays, and Sundays. Waterfowl hunting ends at 2 p.m. MST (Mountain Standard Time). Hunters must be out of the Pintail Slough area by 3 p.m. MST.

(F) We allow dove hunting at the Pintail Slough Quota Hunt Area outside the general State waterfowl season.

(2) *Upland game hunting.* We allow hunting of Gambel's quail, cottontail rabbit, Eurasian collared-dove, African collared-dove, black-tailed jackrabbit, bobcat, coyote, gray fox, and kit fox on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) through (iv) of this section apply, except that we also allow pneumatic weapons, muzzleloaders, and hand guns for upland game hunting.

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(iii) We allow hunting of Gambel's quail, cottontail rabbit, Eurasian collared-dove, African collared-dove, black-tailed jackrabbit, bobcat, coyote, gray fox, and kit fox from September 1–March 15.

(iv) We allow the incidental take of Gambel's quail, cottontail rabbit, Eurasian collared-dove, African collared-dove, black-tailed jackrabbit, bobcat, coyote, gray fox, and kit fox in the Pintail Slough Quota Hunt Area during the general State waterfowl season by hunters possessing a valid permit (FWS 3–2439) at their designated waterfowl hunt blind or field.

(3) *Big game hunting.* We allow hunting of desert bighorn sheep and the incidental take of feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i) and (iii) of this section apply.

(ii) We allow only rifles for desert bighorn sheep hunting.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (e)(1)(iii) of this section applies.

(ii) We prohibit overnight boat mooring and shore anchoring unless actively fishing, as governed by State regulations.

* * * * *

(h) * * *

(1) * * *

(iv) You must remove all equipment, cameras, temporary blinds, stands, etc., at the end of each day's activities (see § 27.93 of this chapter).

(v) We allow Eurasian collared-dove hunting only during mourning and white-winged dove seasons.

(2) * * *

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(iii) We allow quail hunting during State seasons. For all other upland game species, we only allow hunting when a species season dates overlap with a general or archery State deer or javelina hunt season, except for youth-only seasons.

(3) * * *

(ii) We allow hunting of black bear only when the State season dates overlap with a general or archery State deer or javelina hunt season, except for youth-only seasons.

* * * * *

■ 5. Amend § 32.23 by revising paragraphs (a) through (f), and (i) to read as follows:

**§ 32.23 Arkansas.**

* * * * *

(a) *Bald Knob National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunting permit (FWS Form 3–2439). Anyone on the refuge in possession of hunting equipment must sign and possess the permit (FWS Form 3–2439) at all times.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry.

(iii) Hunters may enter the refuge beginning at 4 a.m. Except when hunting applicable goose species during the State Conservation Order, waterfowl hunters must exit the refuge by 1 p.m. All other hunters, including those hunting applicable goose species during the State Conservation Order, must exit the refuge no later than 1 hour after legal sunset.

(iv) We allow waterfowl hunting until 12 p.m. (noon), except that during the State Conservation Order, you may hunt for applicable goose species until legal sunset. Snipe, woodcock, rail, gallinule, crow, and dove hunters may hunt until legal sunset.

(v) When waterfowl hunting, you may not possess more than 25 shotgun shells while in the field, except that during the State Conservation Order, there is no limit on the number of shells you may possess while hunting applicable goose species.

(vi) We prohibit hunting closer than 100 yards (91 meters) to another hunter or hunting party.

(vii) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(viii) All hunters age 12 and younger must possess valid hunter education certification and must be supervised by an adult who is age 18 or older and who possesses valid hunter education certification or was born before 1969.

(ix) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(x) We allow the use of dogs when migratory game bird hunting.

(xi) We close the Waterfowl Sanctuary Hunt Unit to all entry and hunting from November 15 to February 28, except that quota gun deer hunters may hunt in that Unit when the season overlaps with these dates.

(xii) We allow waterfowl hunting from mowed and/or graveled road rights-of-way, but we prohibit all other hunting from these rights-of-way.

(xiii) We allow hunters to use all-terrain vehicles (ATVs) only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters may use conventional motor vehicles, ATVs, bicycles, and e-

bikes only on public use roads, levee tops, designated ATV trails (open to ATVs only), and established parking lots not closed by a locked gate, other barrier, or signage.

(xv) Hunters and anglers may use conventional motor vehicles only in the Bison, Waterfowl Sanctuary, and Core Waterfowl Area Hunt Units and only from March 1 through November 14.

(xvi) From November 15 through February 28, we close the Core Waterfowl Area Hunt Unit to all hunting, fishing, and public entry at 1 p.m. daily, except that during the State Conservation Order, you may hunt applicable goose species in this Unit until legal sunset.

(xvii) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (ii), (ix), and (xi) through (xiii) of this section apply.

(ii) Hunters may use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(iii) We allow squirrel, rabbit, opossum, raccoon, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) We allow the use of dogs when hunting upland game.

(v) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vi) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) through (iii), (ix), and (xi) through (xvi) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Turkey hunting will be conducted in the Waterfowl Sanctuary and Mingo Creek Hunt Units according to season dates and bag limits provided in the annual refuge public use brochure.

(iv) Hunters may use only shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, and archery/crossbow tackle for modern gun deer hunting on the Bison, Core Waterfowl Area, and Waterfowl Sanctuary Hunt Units.

(v) You may erect portable stands and blinds 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, except for stands used by quota gun deer hunters, which you must remove by the last day of the quota gun deer hunt (see § 27.93 of this chapter). You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(vii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(viii) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit (FWS Form 3–2439) on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(ix) Hunters may only take feral hog incidental to modern gun and muzzleloader deer hunts and during specified periods for archery deer hunting according to season dates provided in the annual refuge public use brochure.

(x) We prohibit the use of dogs for deer hunting.

(xi) During the quota turkey hunts, only hunters possessing a valid quota turkey hunting permit (FWS Form 3–2439) will be allowed to enter the open hunt units and only for the purposes of turkey hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraph (a)(1)(ii), (xi), (xv) through (xvii), and (a)(3)(viii) and (xi) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) You may enter the refuge to fish, frog, or crawfish beginning at 4 a.m. and must exit by 1 hour after legal sunset.

(v) We prohibit tournament fishing on the refuge.

(b) *Big Lake National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, nutria, coyote, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, armadillo, and opossum on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunt permit (FWS Form 3–2439). Anyone on the refuge in possession of hunting equipment must sign and possess the permit (FWS Form 3–2439) at all times.

(ii) During the quota gun deer hunt, we close the refuge to all other hunts and public entry.

(iii) We allow incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the use of dogs only for squirrel, rabbit, and quail hunting in the refuge area north of Timm's Point.

(vi) Hunters may only use shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vii) We prohibit hunting from mowed and/or gravel road rights-of-way.

(viii) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(ix) All hunters age 12 and younger must possess valid hunter education certification and must be supervised by an adult who is age 18 or older and who possesses valid hunter education certification or was born before 1969.

(x) From November 1 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(xi) Hunters and anglers may not leave motor vehicles, bicycles, e-bikes, or boats overnight on the refuge.

(xii) We only allow use of all-terrain vehicles (ATVs) by hunters with mobility-impairments, and the refuge manager must authorize this use in writing.

(xiii) Hunters and anglers may use motor vehicles, bicycles, and e-bikes only on public use roads not closed by a locked gate, other barrier, or signage.

(xiv) From November 1 through February 28, boat access is restricted to launching at Seven Mile boat ramp and using Ditch 28 only.

(xv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xvi) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and incidental take of feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(i) through (iii), and (vii) through (xvi) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Modern gun deer hunters may only use shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, and archery/crossbow tackle.

(iv) You may erect portable stands or blinds 7 days prior to the refuge deer season and must remove them 7 days after the closure of archery season (see § 27.93 of this chapter).

(v) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(vi) Hunters may only take feral hog incidental to modern gun and muzzleloader deer hunts and during a specified period during archery deer hunting according to season dates provided in the annual refuge public use brochure.

(vii) We prohibit the possession or use of lead shot or buckshot for deer hunting. We allow lead shot for turkey hunting.

(viii) Turkey hunting is conducted according to season dates and bag limits provided in the annual refuge public use brochure.

(ix) During the quota gun deer hunts, only hunters possessing a valid quota gun deer permit (FWS Form 3–2439) may use the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(x) During the quota gun turkey hunts, we close the refuge north of Timm's Point to other hunting and public entry, and only hunters possessing a valid quota gun turkey permit (FWS Form 3–2439) may use that area of the refuge and only for the purposes of turkey hunting.

(xi) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii), (x), (xi), (xiii) through (xv), and (b)(3)(ix) and (x) of this section apply.

(ii) Anglers may launch boats only in designated areas.

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow fishing, frogging, and crawfishing on all refuge waters from March 1 through October 31.

(vi) We allow fishing in the Sand Slough-Mud Slough area from November 1 through February 28 only with the use of nonmotorized boats and electric trolling motors; anglers may enter this area at 4 a.m. and must depart by 1 hour after legal sunset.

(vii) We prohibit climbing onto or fishing from any water control structure and associated wingwalls and fences, or the top of the Floodway Dam south of Highway 18.

(viii) We prohibit tournament fishing on the refuge.

(c) *Cache River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, snipe, woodcock, rail, gallinule, crow, and dove on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunting permit (FWS Form 3–2439). Anyone on the refuge in possession of hunting equipment must sign and possess the permit (FWS Form 3–2439) at all times.

(ii) Hunters may enter the refuge beginning at 4 a.m. Except when hunting applicable goose species during the State Conservation Order, waterfowl hunters must exit the refuge by 1 p.m. All other hunters, including those hunting applicable goose species during the State Conservation Order, must exit the refuge no later than 1 hour after legal sunset.

(iii) We allow waterfowl hunting until 12 p.m. (noon), except that during the State Conservation Order, you may hunt for applicable goose species until legal sunset.

(iv) You must remove decoys, blinds, boats, and all other equipment at the end of each day's hunt (see § 27.93 of this chapter).

(v) From March 1 through October 31, hunters and anglers may leave boats displaying valid registration on the refuge.

(vi) During the regular State waterfowl hunting season, we prohibit the use of boats on the refuge from 12 a.m. (midnight) to 4 a.m.

(vii) We allow the use of dogs when migratory game bird hunting.

(viii) We allow waterfowl hunting on flooded refuge roads.

(ix) During the quota gun deer hunt, we close the refuge to all other hunts and public entry.

(x) All hunters age 12 and younger must possess valid hunter education certification and must be supervised by an adult who is age 18 or older and who possesses valid hunter education certification or was born before 1969.

(xi) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State season and regulations.

(xii) From November 15 to February 28, we close all waterfowl sanctuaries to all hunting and public entry.

(xiii) We allow hunters and anglers to use all-terrain vehicles (ATVs) only from September 1 through March 31, except that during the State Conservation Order, hunters may use ATVs for hunting applicable goose species.

(xiv) Hunters and anglers may not operate conventional motor vehicles, ATVs, bicycles, or e-bikes on any road or trail closed by a locked gate, other barrier, or signage.

(xv) Hunter and anglers may not leave motor vehicles, ATVs, bicycles, or e-bikes unattended overnight on the refuge.

(xvi) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi) of this section apply.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided

in the annual refuge public use brochure.

(iii) We allow the use of dogs when hunting upland game.

(iv) We prohibit hunting from mowed and/or graveled road rights-of-way.

(v) Hunters may use only shotguns, rifles and handguns chambered for rimfire cartridges, air rifles, and archery tackle.

(vi) Hunters may enter the refuge beginning at 4 a.m. and must exit the refuge by 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night (from 30 minutes after legal sunset to 30 minutes before legal sunrise) on the refuge.

(vii) We prohibit hunting from a vehicle.

(3) *Big game hunting.* We allow hunting of deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (v), (vi), and (ix) through (xvi), and (c)(2)(v) and (vi) of this section apply.

(ii) We allow archery/crossbow, modern gun, and muzzleloader deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Hunters may take only feral hog incidental to modern gun and muzzleloader deer hunts and during a specified period during archery deer hunting according to season dates provided in the annual refuge public use brochure.

(iv) Hunters may only use shotguns with slugs, muzzleloaders, handguns with barrel lengths greater than 4 inches, large-bore air rifles, and archery/crossbow tackle for modern gun deer hunting on the Dixie, Dixie Waterfowl Sanctuary, and Plunkett Farm Waterfowl Sanctuary Hunt Units.

(v) You may erect portable stands or blinds 7 days prior to the refuge deer season, and you must remove them from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(vi) We prohibit leaving any tree stand, blind, or game camera on the refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(vii) We prohibit the possession or use of lead shot and buckshot for deer hunting. We allow lead shot for turkey hunting.

(viii) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit (FWS Form 3–2439) on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(ix) Turkey hunting will be conducted in designated areas according to season dates and bag limits provided in the annual refuge public use brochure.

(x) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(v), (vi), (ix), and (xii) through (xvi), and (c)(3)(viii) of this section apply.

(ii) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(iii) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(iv) We prohibit tournament fishing on the refuge.

(d) *Dale Bumpers White River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl (duck, goose, merganser, and coot), dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We require an annual public use permit (FWS Form 3–2439) to hunt, fish, launch boats, and utilize campgrounds.

(ii) We allow waterfowl hunting from legal shooting hours until 12 p.m. (noon).

(iii) We allow the use of dogs when migratory game bird hunting.

(iv) We allow woodcock hunting beginning December 1 until the end of the State woodcock season on the North Unit following State legal shooting hours and bag limit.

(v) We prohibit goose hunting outside the State duck season.

(vi) We allow dove hunting only during the Statewide season in September and October, as specified in the refuge public use brochure.

(vii) You must remove blinds, blind material, and decoys from the refuge by 1 p.m. each day (see § 27.93 of this chapter).

(viii) Waterfowl hunters may enter the North Unit, Jack's Bay Hunt Area, and Levee Hunt Area no earlier than 4 a.m. on days hunting is allowed, as identified in the refuge public use brochure.

(ix) We prohibit boating from November 1 to March 1 in the South Unit Waterfowl Hunt Areas, except from 4 a.m. to 1 p.m. on designated waterfowl hunt days.

(x) We allow waterfowl hunting on outlying tracts; the conditions set forth at paragraphs (d)(1)(ii) and (vii) of this section apply.

(xi) We only allow all-terrain vehicles (ATVs) for wildlife-dependent hunting and fishing activities. We prohibit the use of ATVs after December 15 each year in designated South Unit areas as shown in the refuge public use brochure.

(xii) We allow incidental take of beaver, coyote, and nutria during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(xiii) During refuge-wide quota muzzleloader and quota gun deer hunts, we close the refuge to all non-quota hunting.

(xiv) All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise no more than two youth hunters.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and all furbearers (as governed by State law), and the incidental take of beaver, coyote, and nutria, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i), and (xi) through (xiv) of this section apply.

(ii) We allow hunting of rabbit and squirrel on the North Unit from September 1 through January 31.

(iii) On the North Unit only, we allow the use of dogs when hunting rabbit and squirrel from December 1 through January 31.

(iv) We allow rabbit and squirrel hunting on the South Unit from September 1 through November 30.

(v) We allow furbearer hunting. The annual public use brochure provides season dates and methods.

(vi) We allow the use of dogs for hunting furbearers from legal sunset to legal sunrise. Hunters must tether or pen all dogs used for furbearer hunting from legal sunrise to legal sunset and at any time they are not involved in actual hunting.

(3) *Big game hunting.* We allow the hunting of white-tailed deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i), (xi), (xii), and (xiv) of this section apply.

(ii) Archery deer seasons on the North Unit are from October 1 through January

31, except during quota muzzleloader and quota gun deer hunts, when the archery season is closed.

(iii) Archery deer seasons on the South Unit are from October 1 through December 31, except during quota muzzleloader and quota gun deer hunts, when the archery season is closed.

(iv) Muzzleloader season for deer will begin in October and will continue for a period of up to 3 days of quota hunting in the North and South Units, and no more than 4 days of non-quota hunting in the North Unit.

(v) The gun deer hunt will begin in November and will continue for a period of no more than 3 days of quota hunting in the North and South Units, and no more than 2 days of non-quota hunting in the North Unit.

(vi) We restrict hunt participants for quota hunts to those drawn for a quota permit (FWS Form 3–2439). The permits are nontransferable and nonrefundable.

(vii) Hunters may only take feral hog incidental to deer season dates identified in the refuge public use brochure.

(viii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(ix) We prohibit firearm deer hunting from or across roads, ATV trails, levees, and maintained utility rights-of-way.

(x) You may only use portable deer stands and ground blinds. You may erect stands or blinds up to 7 days before each hunt, but you must remove them within 7 days after each hunt (see § 27.93 of this chapter). All unattended deer stands and blinds on the refuge must have the owner's State hunting license number clearly displayed.

(xi) We close the Kansas Lake Area to all entry on December 1 and reopen it on March 1.

(xii) We prohibit the possession of buckshot on the refuge.

(xiii) An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

(xiv) The annual refuge public use brochure provides season dates and methods for turkey hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (ix) of this section apply.

(ii) We allow sport fishing in refuge-owned waters as follows:

(A) We allow fishing year-round in:

(*1*) LaGrue, Essex, Prairie, Scrubgrass, and Brooks Bayous;

(*2*) Big Island Chute, Moon, and Belknap Lakes next to Arkansas Highway 1;

(*3*) Indian Bay;

(*4*) Arkansas Post Canal and adjacent drainage ditches;

(*5*) Borrow ditches located adjacent to the west bank of that portion of the White River Levee north of the Graham Burke pumping station; and

(*6*) All waters in the refuge-owned North Unit and scattered tracts.

(B) We open all other South Unit refuge waters to sport fishing from March 1 through November 30, unless posted otherwise.

(iii) We allow frogging on all refuge-owned waters open for sport fishing as follows:

(A) We allow frogging on the South Unit from the beginning of the State season through November 30.

(B) We allow frogging on the North Unit for the entire State season.

(iv) We prohibit all commercial and recreational harvest of turtle on all property administered by Dale Bumpers White River National Wildlife Refuge (see § 27.21 of this chapter).

(v) We prohibit take or possession of any freshwater mussel (see § 27.21 of this chapter), and we prohibit the shelling of mussels on the refuge.

(vi) Boats (16 feet or less) displaying valid registration or Arkansas Game and Fish Commission's license customer identification number may be left on the refuge from March 1 through October 31.

(e) *Felsenthal National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of American woodcock, duck, light and dark goose, merganser, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess and carry a signed refuge public use brochure while hunting or fishing.

(ii) Waterfowl hunters may enter the refuge beginning at 4 a.m. We allow waterfowl hunting until 12 p.m. (noon).

(iii) Hunters must remove decoys, blinds, boats, and all other equipment by 1 p.m. each day (see § 27.93 of this chapter).

(iv) We close areas of the refuge posted with ''Area Closed'' signs and identify them on the refuge public use brochure map as a waterfowl sanctuary. We close waterfowl sanctuaries to all public entry and public use from November 15 to February 15.

(v) We allow hunting of duck, light and dark goose, merganser, and coot during the State waterfowl season except during scheduled refuge quota gun deer hunts.

(vi) We allow American woodcock hunting during the State season except during scheduled refuge quota hunts. Woodcock hunters may enter the refuge beginning at 4 a.m. and must exit by 1 hour after legal sunset.

(vii) All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older who possesses a valid State hunting license. One adult may supervise no more than two youth hunters.

(viii) We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting and fishing activities according to regulations provided in the refuge public use brochure.

(ix) You may use bikes, horses, and mules on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic, respectively) as a mode of transportation for hunting and fishing activities on the refuge except during the quota deer hunts.

(x) We prohibit hunting within 150 feet (45 meters) of roads, pipelines, and trails open to motor vehicle use (including ATV/UTV trails).

(xi) We allow the incidental take of beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit.

(xii) We allow the use of dogs when hunting.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum (as governed by State law), and incidental take of beaver, nutria, and coyote, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iv), and (vii) through (xi) of this section apply.

(ii) We allow hunting for quail, squirrel, rabbit, raccoon, and opossum on the refuge during State seasons through January 31. We close upland game hunting during refuge quota gun deer hunts.

(iii) We do not open for the spring squirrel hunting season, or for the summer/early fall raccoon hunting season.

(iv) We allow the use of dogs for squirrel and rabbit hunting from December 1 through January 31, and for quail and raccoon/opossum hunting during the open season on the refuge for these species.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and incidental take of feral hog, on

designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iv), and (viii) through (xi) of this section apply.

(ii) We allow archery deer hunting on the refuge from the opening of the State season through January 31, except during refuge deer quota hunts.

(iii) We allow muzzleloader and modern gun deer hunting during designated times and seasons, within specified State seasons as listed in the refuge public use brochure.

(iv) Total deer harvested refuge-wide is two deer (two does, or one buck and one doe, as governed by State law) regardless of method. A doe must be harvested before a buck.

(v) We prohibit buckshot for modern gun deer hunting.

(vi) You may only use portable deer stands erected no earlier than the opening day of archery season, and you must remove them no later than January 31 each year (see § 27.93 of this chapter).

(vii) We prohibit the use of deer decoy(s).

(viii) Turkey hunting (Archery, Youth, and Quota) will be conducted during designated times and seasons, within specified State seasons as listed in the refuge public use brochure.

(ix) We restrict quota hunt participants to those selected for a quota permit (FWS Form 3–2439), except that one nonhunting adult age 21 or older possessing a valid hunting license must accompany the youth hunter age 15 and younger.

(x) An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

(xi) We allow the use of one tree stand or ground blind, and one game camera, on the refuge if the owner's State hunting license number is clearly written on them in a conspicuous location.

(xii) We restrict hunt participants for quota hunts to those drawn for a quota permit (FWS Form 3–2439). These permits are nontransferable, and the permit fees are nonrefundable.

(xiii) The incidental taking of feral hogs will be governed by Arkansas Game and Fish Commission regulations concerning the taking of feral hogs on State Wildlife Management Areas (WMAs). Subject to State regulations, we allow incidental take of feral hogs during daytime refuge deer quota hunts (without the use of dogs) and during a specified period during archery deer hunting with legal hunting equipment and ammunition allowed for those hunts according to the season dates provided in the refuge public use brochure. There is no bag limit.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (e)(1)(i), (iii), (iv), (viii), and (ix) of this section apply.

(ii) We prohibit fishing in the waterfowl sanctuary area when the sanctuary is closed, with the exception of the main channel of the Ouachita and Saline Rivers and the borrow pits along Highway 82. We post the waterfowl sanctuary area with ''Area Closed'' signs and identify those areas in refuge hunt brochures.

(iii) During the refuge quota gun deer hunts, we allow fishing only in areas accessible from the Ouachita and Saline Rivers and from Eagle, Jones, and Pereogeethe Lakes.

(iv) You must move or remove trotlines when receding water levels expose them.

(v) We allow frogging and crawfishing for personal use only during designated times and seasons, within specified State seasons as listed in the refuge public use brochure.

(vi) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(f) *Holla Bend National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, river otter, mink, fox, striped skunk, armadillo, coyote, and bobcat on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunting permit (FWS Form 3–2439). Anyone on the refuge in possession of hunting equipment must sign and possess the permit (FWS Form 3–2439) at all times.

(ii) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) We only allow use of all-terrain vehicles (ATVs) by hunters and anglers with mobility impairments, and the refuge manager must authorize this use in writing.

(iv) Hunters and anglers may use boats in designated areas and at times provided in the annual refuge public use brochure.

(v) All hunters age 13 and younger must possess valid hunter education certification and must be supervised by an adult who is age 18 or older and who possesses valid hunter education certification or was born before 1969.

(vi) During the quota youth gun deer and turkey hunts, we close the refuge to all other hunting and public entry.

(vii) We allow incidental take of beaver, muskrat, nutria, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(viii) Hunters and anglers may use bicycles and e-bikes only on public use roads and designated trails not closed by a locked gate, other barrier, or signage.

(ix) During the mentored youth squirrel and rabbit hunts, the mentoring adult may supervise up to two hunting youths and the mentoring adult may also hunt.

(x) Hunters must enter and exit the refuge from designated roads and parking lots only.

(xi) We limit raccoon and opossum hunting to nighttime hunting only.

(xii) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xiii) We prohibit hunting from a vehicle.

(xiv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(3) *Big game hunting.* We allow hunting of deer, black bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(i), (iii) through (viii), (x), and (xii) through (xiv) of this section apply.

(ii) We allow archery/crossbow hunting for white-tailed deer and turkey according to season dates and bag limits provided in the annual refuge public use brochure.

(iii) Youth modern gun deer hunts will be conducted according to season dates and bag limits provided in the refuge public use brochure.

(iv) We allow the take of black bear incidental to refuge archery and modern gun deer hunts subject to applicable State seasons and regulations.

(v) The refuge will conduct youth-only quota spring gun turkey hunts according to season dates and bag limits provided in the refuge public use brochure.

(vi) You may erect portable stands or blinds 7 days before the start of the season, and you must remove them from the refuge within 7 days after the season ends (see § 27.93 of this chapter).

(vii) We prohibit leaving any tree stand, blind, or game camera on the

refuge without the owner's Arkansas Game and Fish Commission customer identification number clearly written on it in a conspicuous location.

(viii) We prohibit organized drives. We define a ''drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the game.

(ix) You must check all harvested turkey, bear, and deer at the refuge check station.

(x) We prohibit the use of dogs for deer hunting.

(xi) Big game hunters may enter the refuge 1 hour before legal sunrise and must exit by 1 hour after legal sunset.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(2)(iii), (iv), (vi), (viii), (xii), (xiv), and (xv) of this section apply.

(ii) We allow fishing, frogging, and crawfishing on all waters only from March 1 through October 31 from legal sunrise to legal sunset.

(iii) Anglers must remove boats from the refuge at the end of each day's fishing activity (see § 27.93 of this chapter).

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) We allow frogging and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vi) We prohibit access to refuge waters and land from the Arkansas River.

(vii) We limit trotlines, setline, limblines, yo-yo and free-floating fishing devices to 20 per person; lines must be secured with cotton line that extends into the water.

(viii) Trotlines, setlines, limblines, yo-yos, and free-floating fishing devices must be clearly labelled with the angler's Arkansas Game and Fish Commission license customer identification number, and cannot be left overnight or unattended.

* * * * *

(i) *Wapanocca National Wildlife Refuge*—(1) [Reserved]

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, quail, muskrat, river otter, mink, bobcat, fox, striped skunk, armadillo, and opossum on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunting permit (FWS Form 3–2439). Anyone on the refuge in possession of hunting equipment must sign and possess the permit (FWS Form 3–2439) at all times.

(ii) Hunters may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset, except that we allow hunting of raccoon and opossum at night on the refuge.

(iii) During the quota gun hunts, we close the refuge to all other hunts and public entry.

(iv) We allow squirrel, rabbit, raccoon, opossum, and quail hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(v) We allow the incidental take of nutria, beaver, muskrat, river otter, mink, bobcat, fox, striped skunk, armadillo, and coyote during any refuge hunt with the weapons allowed for that hunt, subject to applicable State seasons and regulations.

(vi) Hunters may use only shotguns, rifles chambered for rimfire cartridges, air rifles, and archery tackle.

(vii) We prohibit hunting from mowed and/or gravel road rights-of-way.

(viii) All hunters age 12 and younger must possess valid hunter education certification and must be supervised by an adult who is age 18 or older and who possesses valid hunter education certification or was born before 1969. Any additional requirements are provided in the refuge public use brochure.

(ix) From December 1 to February 28, we close all waterfowl sanctuaries (including Wapanocca Lake) to all hunting and public entry.

(x) We prohibit the use of all-terrain vehicles (ATVs), except that ATVs may be used by mobility-impaired hunters possessing written authorization issued by the refuge manager.

(xi) Hunters and anglers may use motor vehicles, bicycles, and e-bikes only on public use roads not closed by a locked gate, other barrier, or signage.

(xii) Hunters and anglers must use the public boat ramp on Highway 77 to launch motorized boats into Wapanocca Lake.

(xiii) Hunters and anglers must operate boats at speeds of less than 5 miles per hour between the Highway 77 boat launch and the open lake.

(xiv) We prohibit the use of personal watercraft (*e.g.,* jet skis), airboats, and hovercraft for hunting and fishing on the refuge.

(xv) Hunter and anglers may not leave motor vehicles, bicycles, e-bikes, or boats unattended overnight on the refuge.

(xvi) We prohibit hunting from a vehicle.

(xvii) The Round Pond and Pygmon Units in St. Francis County are subject to all regulations for hunting and fishing for Wapanocca NWR.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(i) through (iii), (v), and (vii) through (xvii) of this section apply.

(ii) During the quota gun deer hunt, we allow only hunters possessing a valid quota gun deer hunting permit (FWS Form 3–2439) on the refuge and only for the purposes of deer hunting and the incidental take of allowable species.

(iii) You may erect portable stands or blinds 7 days prior to the refuge deer season, and you must remove them from the waterfowl sanctuaries by December 1 (see § 27.93 of this chapter). You must remove all stands and blinds on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

(iv) We allow portable tree stands, blinds, and game cameras on the refuge only if the owner's Arkansas Game and Fish Commission customer identification number is clearly written on them in a conspicuous location.

(v) We allow archery/crossbow, muzzleloader, and modern gun deer hunting according to season dates and bag limits provided in the annual refuge public use brochure.

(vi) Hunters may only use shotguns with slugs, muzzleloaders, handguns, large-bore air rifles, and archery/crossbow tackle for modern gun deer hunting.

(vii) Hunters may only take feral hog incidental to modern gun and muzzleloader deer hunts and during a specified period during archery deer hunting according to season dates provided in the annual refuge public use brochure.

(viii) The annual refuge public use brochure provides season dates and bag limits for turkey hunting.

(ix) We prohibit the possession or use of lead shot or buckshot for deer hunting. We allow lead shot for turkey hunting.

(x) We prohibit the use of dogs for deer hunting.

(4) *Sport fishing.* We allow sport fishing, frogging, and crawfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (i)(2)(iii), (ix), (xi) through (xv), and (xvii) of this section apply.

(ii) From March 1 through November 30, we allow fishing, frogging, and crawfishing on all refuge waters. From December 1 through February 28, we allow bank fishing only on Woody Pond and other non-waterfowl sanctuary areas.

(iii) Anglers, including those frogging and crawfishing, may enter the refuge at 4 a.m. and must leave the refuge no later than 1 hour after legal sunset.

(iv) We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

(v) Anglers may launch boats only in designated areas.

(vi) We allow fishing, frogging, and crawfishing for personal use only. All crawfish traps must have the owner's Arkansas Game and Fish Commission license customer identification number permanently affixed.

(vii) We prohibit tournament fishing.

* * * * *

■ 6. Amend § 32.24 by:

■ a. Removing the word ''A8N'' and adding in its place the word ''A8'' in the first sentence of paragraph (e)(1)(ii); and

■ b. Revising paragraphs (e)(1)(vii) and (i)(1) introductory text to read as follows:

**§ 32.24 California.**

* * * * *

(e) * * *

(1) * * *

(vii) You may not possess more than 25 shot shells while in the field once you have left your assigned parking lot for Ponds AB1, A2E, AB2, A3N, A3W, A5, A7, and A8, and the Ravenswood Unit.

* * * * *

(i) * * *

(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, snipe, and moorhen on designated areas of the refuge subject to the following conditions:

* * * * *

■ 7. Amend § 32.27 by revising paragraphs (a)(1)(ii) and (b)(1)(ii) to read as follows:

**§ 32.27 Delaware.**

* * * * *

(a) * * *

(1) * * *

(ii) You must complete and return a Harvest Report (FWS Form 3–2542), available at the refuge administration office or on the refuge's website, within 15 days of the close of the season.

* * * * *

(b) * * *

(1) * * *

(ii) You must complete and return a Harvest Report (FWS Form 3–2542), available at the refuge administration office or on the refuge's website, within 15 days of the close of the season.

* * * * *

■ 8. Amend § 32.28 by:

■ a. Revising paragraphs (e)(1) through (3);

■ b. Redesignating paragraphs (f) through (o) as paragraphs (g) through (p);

■ c. Adding a new paragraph (f); and

■ d. Revising newly redesignated paragraphs (j)(2)(i), (j)(3)(i), (j)(3)(vii), (k)(1)(x), (n)(3)(ii), (iv), and (viii).

The revisions and addition read as follows:

**§ 32.28 Florida.**

* * * * *

(e) * * *

(1) *Migratory game bird hunting.* We allow hunting of migratory game birds and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations.

(2) *Upland game hunting.* We allow upland game hunting and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations.

(3) *Big game hunting.* We allow big game hunting and the incidental take of nonnative wildlife as defined by the State on designated areas of the refuge in accordance with State regulations and applicable State Wildlife Management Area regulations.

* * * * *

(f) *Florida Panther National Wildlife Refuge*—(1)–(2) [Reserved]

(3) *Big game hunting.* We allow hunting of turkey on designated areas of the refuge subject to the following conditions:

(i) We require a valid Florida Panther National Wildlife Refuge Big Game Quota Hunt Permit purchased through the Florida Fish and Wildlife Conservation Commission. The quota hunt permit is a limited entry quota permit, and is nontransferable.

(ii) You must have a valid signed Florida Panther NWR turkey hunt brochure, which is free and non-transferrable.

(iii) Each Big Game Quota Hunt Permit is issued for the take of 1 bearded turkey. A family hunt/camp experience permit is issued for take of 2 bearded turkeys.

(iv) We allow bows, crossbows, PCP air guns propelling a bolt or arrow, and shotguns using #2 or smaller shot size.

(v) We require an adult, age 18 or older, to supervise hunters age 15 and younger. The adult must remain within sight and normal voice contact of the youth hunter.

(vi) Hunters possessing a valid Big Game Quota Hunt Permit purchased through the Florida Fish and Wildlife Conservation Commission may access the refuge no earlier than 2 hours before legal sunrise and must leave the refuge no later than legal sunset. Hunters possessing a valid family hunt/camp experience permit may remain on the refuge overnight.

(vii) We allow hunting from ½ hour before legal sunrise until 1 p.m.

(viii) We allow only federally approved nontoxic shot (see § 32.2(k)).

(ix) We only allow permitted hunters participating in the limited entry quota hunt to operate off-road vehicles (swamp buggies, all-terrain/utility-type vehicles) on designated roads, trails, and firebreaks.

(x) We allow hunters with permits to scout 7 days prior to the individual's permitted hunt.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from legal sunrise to legal sunset.

(ii) We only allow hook and line. We prohibit snatch hooks, cast nets, seines, trotlines, jugs, and yo-yos.

* * * * *

(j) * * *

(2) * * *

(i) The conditions set forth at paragraphs (j)(1)(i) through (viii) of this section apply.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (j)(1)(i) through (viii) of this section apply.

* * * * *

(vii) Hunters must fill out a Harvest Report (FWS Form 3–2542) and check all game harvested during all deer and hog hunts.

* * * * *

(k) * * *

(1) * * *

(x) You must stop at a posted refuge waterfowl check station and report statistical hunt information on the Harvest Report (FWS Form 3–2542) to refuge personnel.

* * * * *

(n) * * *

(3) * * *

(ii) The conditions set forth at paragraphs (n)(2)(ii) and (iv) through (vii) of this section apply.

* * * * *

(iv) There is a two deer limit per hunt, as specified at paragraph (n)(3)(vi) of this section, except during the youth hunt, when the limit is as specified at paragraph (n)(3)(vii) of this section. The limit for turkey is one per hunt.

* * * * *

(viii) Mobility-impaired hunters may have an assistant accompany them. You may transfer permits (State-issued permit) issued to the hunter to assistants. We limit those hunt teams to harvesting white-tailed deer and feral hog within the limits provided at paragraph (n)(3)(vi) of this section.

* * * * *

■ 9. Amend § 32.29 by revising paragraph (e)(3) to read as follows:

**§ 32.29 Georgia.**

* * * * *

(e) * * *

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and the incidental take of coyote, armadillo, and feral hog, on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunt permit (FWS Form 3–2439) for all hunters age 16 and older. Hunters must sign the permit and carry it with them at all times when hunting.

(ii) Each hunter may place one stand on the refuge during the week preceding each hunt, but must remove the stand by the end of each hunt (see § 27.93 of this chapter).

(iii) We prohibit hunting within 100 yards (91 meters) of Harris Neck Road, the refuge entrance drive, Visitor Contact Station/Office, Barbour River Landing, Barbour River Road, or Gould's Cemetery.

(iv) We require hunters to check-in and check-out each hunt day. We require personal identification to check-in and check-out.

(v) We require hunters to check all harvested game at the check station before leaving the refuge each day.

(vi) Hunters may take five deer (no more than two antlered), and we will issue State bonus tags for two of these.

(vii) During the gun hunt, we allow only shotguns (20 gauge or larger), muzzleloaders, bows, air rifles (.30 caliber or larger), and air bows, as governed by State regulations. We prohibit the use of centerfire rifles.

(viii) We allow the incidental take of armadillo, feral hog, and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations. There is no bag limit for these species.

(ix) The turkey hunt is a youth-only, archery hunt limited to 2 days per year. To participate in the turkey hunt, youth must complete an application (FWS Form 3–2439), submit the completed application to the refuge, and be selected by lottery. Each youth hunter selected by lottery to participate in the turkey hunt must possess a free signed refuge hunt brochure while hunting.

* * * * *

■ 10. Amend § 32.31 by:

■ a. Revising paragraphs (b)(1) and (2);

■ b. Adding paragraph (b)(3); and

■ c. Revising paragraph (e)(4).

The revisions and addition read as follows:

**§ 32.31 Idaho.**

* * * * *

(b) * * *

(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunters to access the refuge 1 hour before legal shooting time.

(ii) You may only use portable blinds or construct temporary blinds of natural vegetation. Blinds will be available for general use on a first-come, first-served basis. You must remove portable blinds, decoys, and other personal property at the end of each day's hunt (see § 27.93 of this chapter).

(iii) We allow the use of dogs when hunting.

(iv) You may take Eurasian collared-doves only during the State seasons for migratory birds and upland game birds.

(2) *Upland game hunting.* We allow hunting of pheasant, grouse, and partridge on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(iii) of this section applies.

(ii) We allow hunters to access the refuge ½ hour before legal shooting time.

(iii) Hunters must wear a minimum of 36 square inches (232.3 square centimeters) of blaze orange, and a blaze orange head covering.

(3) *Big game hunting.* We allow hunting of elk on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(2)(ii) and (iii) of this section apply.

(ii) You must carry a signed copy of the refuge hunting regulations and hunt map (signed brochure) in the field while hunting.

* * * * *

(e) * * *

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow bank fishing only.

(ii) We prohibit launching boats from, and landing boats on, the banks of Deep Creek.

* * * * *

■ 11. Amend § 32.32 by:

■ a. Revising paragraph (b)(4);

■ b. Removing paragraph (c)(1)(ii);

■ c. Redesignating paragraph (c)(1)(iii) as paragraph (c)(1)(ii);

■ d. Revising paragraph (c)(2)(i);

■ e. Removing paragraphs (c)(4)(i), (v), and (vi);

■ f. Redesignating paragraphs (c)(4)(ii) through (iv) as paragraphs (c)(4)(i) through (iii); and

■ g. Revising paragraphs (f)(1) through (3), (g)(2)(ii), (g)(3), (k)(2)(v), and (k)(3)(i).

The revisions read as follows:

**§ 32.32 Illinois.**

* * * * *

(b) * * *

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) On Crab Orchard Lake west of Wolf Creek Road:

(A) Anglers may fish from boats all year.

(B) Anglers must remove all trotlines/jugs from legal sunrise until legal sunset from the Friday immediately prior to Memorial Day through Labor Day.

(ii) On Crab Orchard Lake east of Wolf Creek Road:

(A) Anglers may fish from boats March 1 through October 15.

(B) Anglers may fish all year at the Wolf Creek and Route 148 causeways.

(iii) On A–41 and Bluegill Ponds:

(A) Anglers may fish only from legal sunrise to legal sunset from March 1 through October 15.

(B) We prohibit anglers from using gas-powered boats.

(iv) On Managers, Honkers, and Visitors Ponds:

(A) Anglers may fish all year from legal sunrise to legal sunset.

(B) We prohibit anglers from using gas-powered boats.

(v) Trotlines/jugs:

(A) We prohibit the use of trotlines/jugs on all refuge waters outside of Crab Orchard Lake.

(B) We prohibit the use of trotlines/jugs with any flotation device that has previously contained any petroleum-based material or toxic substances.

(C) Anglers must attach a buoyed device that is visible on the water's surface to all trotlines.

(vi) Anglers may use all legal noncommercial fishing methods, except

they may not use any underwater breathing apparatus.

(vii) Anglers may not submerge any poles or similar objects to take or locate any fish.

(viii) Organizers of all fishing events must possess a Special Use Permit (FWS Form 3–1383–G or FWS Form 3–1383–C).

(ix) We prohibit anglers from fishing within 250 yards (228 meters) of an occupied waterfowl hunting blind.

(x) Specific creel and size limits apply on various refuge waters as listed in the Crab Orchard fishing brochure and the annual Illinois fishing digest.

(c) * * *

(2) * * *

(i) The conditions set forth at paragraphs (c)(1)(i) and (ii) of this section apply.

* * * * *

(f) * * *

(1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) You must remove personal belongings, including, but not limited to, all boats, decoys, blinds, blind materials, stands, and platforms brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(ii) Hunters may enter the refuge no earlier than ½ hour before legal shooting hours and must exit the refuge no later than ½ hour after legal shooting hours.

(2) *Upland game hunting.* We allow upland game and turkey hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) and (ii) of this section apply.

(ii) For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(3) *Big game hunting.* We allow big game hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) and (ii) of this section apply.

(ii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

* * * * *

(g) * * *

(2) * * *

(ii) You must remove personal belongings, including, but not limited to, all boats, decoys, blinds, blind materials, stands, platforms, and other hunting equipment brought onto the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (g)(2)(ii) of this section applies.

(ii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

* * * * *

(k) * * *

(2) * * *

(v) Hunters may only hunt from ½ hour before legal sunrise to no later than ½ hour after legal sunset, and they must follow all State requirements for legal hunting hours.

(3) * * *

(i) The conditions set forth at paragraphs (k)(1)(i) and (k)(2)(v) of this section apply.

* * * * *

■ 12. Amend § 32.37 by revising paragraphs (c), (d), (e), (g), (i)(1)(iv), (i)(3)(iii), (j), (m), (o)(1)(iv), (o)(3)(v), (q), (r), (s)(1)(iv), (t), and (u) to read as follows:

**§ 32.37 Louisiana.**

* * * * *

(c) *Bayou Sauvage National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must possess and carry a valid, signed refuge hunting and fishing brochure.

(ii) We only allow youth to hunt migratory game birds.

(iii) All youth hunters age 15 and younger must be supervised by an adult during hunts. The youth must be capable of and must actively participate in the hunt by possessing and/or firing a legal weapon during the hunt for the express purpose of harvesting game.

(iv) One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(v) Adults accompanying youth on any refuge hunts may participate by hunting (except during the State youth-only seasons), but are not allowed to harvest more than their own daily bag limit (see § 20.24 of this chapter). Youth must harvest their own bag limits.

(vi) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m.

(vii) We open the refuge to goose youth hunting during any segment of goose season that extends beyond the regular duck season.

(viii) Migratory bird hunters may not enter the refuge prior to 4 a.m. on the day of the hunt and must remove all portable blinds and decoys (see § 27.93 of this chapter) no later than 3 p.m.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or structure adjacent to the refuge, and we prohibit hunting within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We prohibit mud boats or air cooled propulsion vessels, including ''surface-drive'' boats, except when traversing through the Intracoastal Waterway and the Irish Bayou Straight Canal only.

(xi) We only allow the incidental take of nutria with approved shot and weapons during any open youth waterfowl season on the refuge.

(xii) We allow the incidental take of coyote, raccoon, feral hog, armadillo, and opossum with approved shot and weapons allowed during any open season on the refuge.

(xiii) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We only allow youth hunting of upland game.

(ii) When hunting, you must possess only shot size 4 or smaller or 0.22 caliber rimfire rifles or smaller. We allow the use of air rifles.

(iii) When hunting rabbit, we allow the use of dogs only after the close of the State archery deer season.

(iv) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(3) *Big game hunting.* We only allow youth hunting of white-tailed deer, and the incidental take of feral hog, on

designated areas of the refuge subject to the following conditions:

(i) We are open to youth hunting only during the State deer archery season.

(ii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter).

(iv) We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(v) We prohibit the use of deer decoys.

(vi) The conditions set forth at paragraphs (c)(1)(i), (iii) through (v), and (ix) through (xiii) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We allow daytime sport finfishing and shellfishing year-round on designated areas of the refuge. On portions of the refuge outside of the Hurricane Protection Levee, we allow daytime sport finfishing and shellfishing from November 1 through January 31 and during the State teal season, but only after 2 p.m. We close the remainder of the refuge to sport fishing from November 1 through January 31.

(ii) We only allow sport fishing with hand-held rod and reel or hand-held rod and line.

(iii) You may take bait shrimp with cast nets only.

(iv) You may take crawfish (up to 100 pounds (45 kilograms) per person, per day) with crawfish or dip nets only.

(v) We allow recreational crabbing only.

(vi) You must attend all fishing, crabbing, and crawfishing equipment at all times.

(vii) We prohibit the use of trotlines, limblines, slat traps, gar sets, nets, and alligator lines on the refuge.

(viii) The conditions set forth at paragraphs (c)(1)(i), (x), and (xiii) of this section apply.

(d) *Bayou Teche National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(iii) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(iv) We require waterfowl and gallinule hunters to remove all portable blinds and decoys from the refuge by 2 p.m. each day (see §§ 27.93 and 27.94 of this chapter).

(v) Migratory bird hunters are only allowed to enter the refuge after 4 a.m.

(vi) We allow waterfowl and gallinule hunting daily until 2 p.m. during the State regular season, State teal season, and State youth and veteran waterfowl seasons.

(vii) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(viii) We allow only the use of reflective tacks as marking devices.

(ix) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(x) We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons during any open season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We only allow hunting from the start of the State squirrel and rabbit seasons until the last day of State waterfowl season in the Coastal Zone, except that the Centerville Unit will be open until the last day of the State waterfowl season in the East Zone.

(ii) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(iii) Hunters must leave the refuge no later than 2 hours after legal sunset.

(iv) When hunting, you must possess only shot size 4 or smaller or 0.22 caliber rimfire rifles or smaller. We allow the use of air rifles.

(v) The conditions set forth at paragraphs (d)(1)(i) through (iii) and (viii) through (x) of this section apply.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We allow hunting of deer only with firearms (see § 27.42 of this chapter) during 5 specific days during October and November. A youth gun hunt will occur during the last weekend of October. The general gun hunt will occur during the final full weekend in November. The youth gun hunt includes both Saturday and Sunday. The general gun hunt includes the Friday immediately before the weekend.

(ii) We allow archery deer hunting according to the State of Louisiana archery season. We close refuge archery hunting during refuge deer gun hunts.

(iii) We allow each hunter to possess only one deer per day; the deer may be a buck or a doe.

(iv) Hunters may use only portable deer stands. Hunters may erect deer stands no earlier than 48 hours before the deer archery season and must remove them from the refuge within 48 hours after the season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge. Deer stands must have the owner's State hunting license/sportsman's identification number clearly printed on the stand.

(v) The conditions set forth at paragraphs (d)(1)(i) through (iii), (viii), and (x), and (d)(2)(iii) of this section apply.

(vi) We prohibit the use of deer decoys.

(vii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(viii) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow sport fishing in all refuge waters subject to the following conditions:

(i) We prohibit the use of unattended nets, traps, or lines (trot, jug, bush, etc.).

(ii) The condition set forth at paragraph (d)(1)(i) of this section applies.

(iii) The refuge is only open to recreational finfishing and shellfishing from legal sunrise to legal sunset.

(e) *Big Branch Marsh National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, coot, light and dark goose, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow waterfowl, snipe, rail, gallinule, dove, and goose hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m., including waterfowl hunting during the State teal season and State youth and veterans waterfowl seasons. We only allow hunting of woodcock until 2 p.m.

(iii) We allow light goose hunting for that part of the season that extends beyond the regular duck season from ½ hour before legal sunrise until 2 p.m.

(iv) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence adjacent to the refuge or oil and gas infrastructure on the refuge, or within 200 feet (61 m) from the center of any road, railroad, levee, water control structure, designated public use maintained trail, designated parking area, or other designated public use facility.

(vii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(x) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl (duck, teal, merganser, light and dark goose, and coot) season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or 0.22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) When hunting squirrel and rabbit, and for the incidental take of raccoon, we allow the use of dogs only after the close of the State archery deer season. When hunting quail, you may only use dogs to locate, point, and retrieve.

(iii) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (x) of this section apply.

(iv) During the dog season for squirrel and rabbit, all hunters, including archers (while on the ground), except waterfowl hunters, must wear a minimum of a cap or hat that is hunter orange, blaze pink, or other such color as governed by State regulations.

(v) We only allow hunting of quail until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We are open only during the State season for archery hunting of deer.

(ii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iii) We allow placement of temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

(iv) The conditions set forth at paragraphs (e)(1)(i), (v), (vi), and (viii) through (x) of this section apply.

(v) We prohibit the use of deer decoys.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) You may only fish from legal sunrise until legal sunset, except we allow night fishing from the bank and pier on Lake Road.

(ii) You must only use rod and reel or pole and line while fishing.

(iii) You must attend to any fishing, crabbing, and crawfishing equipment at all times.

(iv) The condition set forth at paragraph (e)(1)(i) of this section applies.

* * * * *

(g) *Bogue Chitto National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, gallinule, rail, snipe, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We only allow hunting of duck, merganser, teal, light and dark goose, and gallinule from ½ hour before legal sunrise until 2 p.m. of the State seasons, including during the State teal season, State youth waterfowl season, State veterans season, and special light goose conservation season.

(iii) You must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vi) We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, building, designated camping area, designated parking area, or other designated public facility.

(vii) For the purpose of hunting, we prohibit possession of slugs, buckshot, and rifle and pistol ammunition, except during the deer gun and primitive firearm seasons (see § 32.2(k)).

(viii) You may use only reflective tacks as trail markers on the refuge.

(ix) We allow the incidental take of feral hog, raccoon, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(x) We only allow incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, and quail, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs for rabbit and squirrel hunting, and the incidental take of raccoon, on specific dates listed in the refuge hunt brochure.

(ii) During any open deer firearm or primitive firearm season on the refuge, all hunters, except waterfowl hunters and nighttime incidental raccoon and incidental opossum hunters, must wear hunter orange, blaze pink, or other such color as governed by State regulations.

(iii) The conditions set forth at paragraphs (g)(1)(i) and (v) through (x) of this section apply.

(iv) You may use .22-caliber rifles or smaller while hunting upland game and ammunition must be size 4 or smaller (see § 32.2(k)).

(v) We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.72 meters) on the Pearl River Gauge at Pearl River, Louisiana.

(vi) During the dog season for squirrels, rabbits, and incidental take of raccoon, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a cap or hat that is hunter-orange, blaze pink, or other such color as governed by State regulations.

(vii) We prohibit upland game hunting on days corresponding with refuge deer gun and primitive firearm hunts.

(viii) We only allow quail hunting until 2 p.m.

(3) *Big game hunting.* We allow hunting of white-tailed deer, turkey, and feral hog, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(1)(i) and (v) through (x), and (g)(2)(ii), (v), and (vi) of this section apply.

(ii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iii) Deer hunters hunting from concealed blinds must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations) above or around their blinds that is visible from 360 degrees.

(iv) We hold a special dog hog hunt in February. During this hunt, the following conditions apply, in addition to the other conditions set forth in this paragraph (g)(3):

(A) You must use trained hog-hunting dogs to aid in the take of hog.

(B) We allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset.

(C) You must possess only approved nontoxic shot, or pistol or rifle ammunition not larger than .22 caliber rim-fire, to take the hog after it has been caught by dogs.

(v) You must kill all hogs prior to removal from the refuge.

(vi) We prohibit the use of deer and turkey gobbler decoys.

(vii) We prohibit using shot larger than BB-lead, or T-steel, while hunting during turkey season.

(viii) We describe the dates for deer general gun hunts, youth hunts, and veterans hunts in the refuge user brochure.

(4) *Sport fishing.* We allow only recreational fishing year-round on designated areas of the refuge subject to the following conditions:

(i) We only allow cotton limb lines.

(ii) We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

(iii) When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When the fishing ponds at the Pearl River Turnaround are open, hook and line is the only legal method of take in those ponds.

(iv) The Pearl River Turnaround area, when open to fishing, is open ½ hour before legal sunrise to ½ hour after legal sunset.

(v) The conditions set forth at paragraphs (g)(1)(i) and (viii), and (g)(2)(v) of this section apply.

* * * * *

(i) * * *

(1) * * *

(iv) Every hunter must complete and turn in a Harvest Report (FWS Form 3–2542) available from a self-clearing check station after each hunt.

* * * * *

(3) * * *

(iii) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542) available from a self-clearing check station after each hunt.

* * * * *

(j) *Cat Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, coot, snipe, rail, gallinule, dove, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunters to enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge within 2 hours after legal sunset.

(iii) We allow the incidental take of beaver, feral hog, raccoon, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(iv) We allow all-terrain vehicles (ATVs) and utility-type vehicle (UTVs) as governed by State Wildlife Management Area regulations and size specifications on designated trails (see § 27.31 of this chapter) from the third Saturday in September until February 28.

(v) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, building, designated parking area, or designated public use facility.

(vi) All youth hunters age 15 and younger must be supervised by an adult during hunts. One adult may supervise up to two youths during small game hunts and migratory bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. Adult guardians are responsible for ensuring that youth hunters do not violate refuge rules.

(vii) We allow waterfowl (duck, merganser, teal, light and dark goose, coot, and gallinule) hunting daily during the State regular season, including waterfowl hunting during the State teal season and State youth and veteran waterfowl seasons, from ½ hour before legal sunrise until 2 p.m.

(viii) You must remove harvested waterfowl, temporary blinds, and decoys used for duck hunting by 2 p.m. each day (see § 27.93 of this chapter).

(ix) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(x) We prohibit accessing refuge property by boat from the Mississippi River.

(xi) We allow only the use of reflective tacks as marking devices.

(xii) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(2) *Upland game hunting.* We allow hunting of squirrel and rabbit, and the incidental take of nutria, beaver, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi) and (x) through (xii) of this section apply.

(ii) While upland game hunting, we prohibit the possession of hunting firearms larger than 0.22 caliber rimfire, shotgun slugs, and buckshot (see § 27.42 of this chapter).

(iii) We allow the use of dogs during designated small game with dog seasons. We require the owner's contact information on the collars of all dogs. We only allow up to two dogs per hunting party for squirrel hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i) through (vi), (x), and (xi) of this section apply.

(ii) We allow archery deer hunting, youth deer gun hunting during the first weekend of the State youth firearm season, and one weekend of primitive firearm season on the refuge. We list specific dates of these hunts in the refuge annual user brochure.

(iii) Hunters may erect deer stands no earlier than 48 hours before the deer archery season opens and must remove them from the refuge within 48 hours after this season closes (see § 27.93 of this chapter). We grant extensions to retrieve stands due to high water refuge closure. We allow only one deer stand or blind per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) You may only take one deer of either sex per day during the deer seasons listed. State season limits apply.

(v) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(vi) We prohibit organized drives. We define a ''drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause game to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the game.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i), (iv) (on the open portions of Wood Duck ATV trail for wildlife-dependent activities throughout the year), (x), and (xi) of this section apply.

(ii) We prohibit slat traps or hoop nets on the refuge.

(iii) Anglers may only crawfish during designated days and times. The harvest limit is 50 pounds (22.5 kilograms) per person per day.

(iv) You must attend all crawfish traps and nets at all times. We allow up to, and no more than, 20 traps per angler on the refuge.

* * * * *

(m) *Delta National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, teal, light and dark goose, dove, snipe, rail, gallinule, and coot on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow migratory bird hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 2 p.m. during the State seasons, including the regular waterfowl season, the State teal season, State youth waterfowl season, State veterans waterfowl season, and State light goose special conservation season.

(iii) We only allow temporary blinds. You must remove both blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(iv) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve game.

(v) We prohibit discharge of firearms (see § 27.42 of this chapter) within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facilities.

(vi) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during upland game and migratory game bird hunts, but may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times.

(vii) Migratory bird hunters may enter the refuge no earlier than 4 a.m., and all hunters must exit the refuge no later than 2 hours after legal sunset.

(viii) We allow the incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(ix) We only allow the incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(x) We allow only the use of reflective tacks as marking devices.

(2) *Upland game hunting.* We allow hunting of rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum on designated areas of the refuge subject to the following conditions:

(i) The refuge rabbit season opens the day after the State duck season closes and continues through the remainder of the State rabbit season.

(ii) We restrict hunting to shotgun only.

(iii) We allow the use of dogs when rabbit hunting.

(iv) We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

(v) The conditions set forth at paragraphs (m)(1)(i) and (v) through (viii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(i) and (v) through (x) of this section apply.

(ii) We allow archery deer hunting, bucks only, from October 1 through 15. We allow either-sex archery deer hunting from October 16 through 31, and from the day after the close of the State duck season through the end of the State deer archery season.

(iii) We allow placement of temporary deer stands up to 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's State license/sportsmen's identification number clearly printed on the stand.

(iv) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or

cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(v) We prohibit the use of deer decoys.

(vi) We allow shotgun hunting of deer on the Saturday and Sunday during the first split of the regular waterfowl season.

(vii) Deer hunters must display State Wildlife Management Area (WMA) hunter-orange or blaze-pink (as governed by State WMA regulations).

(4) *Sport fishing.* We allow recreational finfishing and shellfishing on designated areas of the refuge subject to the following conditions:

(i) We only allow sport finfishing and shellfishing from ½ hour before legal sunrise until ½ hour after legal sunset. During the State waterfowl hunting seasons, we only allow sport finfishing and shellfishing from 2 p.m. until ½ hour after legal sunset. However, during the waterfowl season, we prohibit all public entry between Main Pass and Raphael Pass.

(ii) We prohibit the use of trotlines, limblines, slat traps, jug lines, nets, or alligator lines.

(iii) The condition set forth at paragraph (m)(1)(i) of this section applies.

* * * * *

(o) * * *

(1) * * *

(iv) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542), available from a self-clearing check station, after each hunt.

* * * * *

(3) * * *

(v) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542) available from a self-clearing check station, after each hunt.

* * * * *

(q) *Mandalay National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, teal, merganser, light and dark goose, gallinule (including moorhen), coot, rail, snipe, and dove on designated areas of the refuge subject to the following conditions:

(i) Each person age 18 and older must possess and carry a valid, signed refuge user brochure while on the refuge.

(ii) We allow only youth hunting of migratory game birds and only in the Hanson Unit on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m. of the State teal, youth, and regular waterfowl seasons.

(iii) We open the Hanson Unit only to youth goose hunting during any segment of the goose season that extends beyond the regular duck season on Wednesdays, Thursdays, Saturdays, and Sundays until 2 p.m.

(iv) Migratory bird hunters are only allowed to enter the refuge after 4 a.m.

(v) All youth hunters age 15 and younger must be supervised by an adult during all hunts. One adult may supervise up to two youths during small game and migratory game bird hunts. An adult may supervise only one youth during big game hunts. The supervising adult must maintain visual and voice contact with the youth at all times. The youth must be capable of and must actively participate in the hunt by possessing and/or firing a legal weapon during the hunt for the express purpose of harvesting game. Parents or adult guardians are responsible for ensuring that hunters age 15 and younger do not violate refuge rules.

(vi) Adults accompanying youth on refuge hunts may participate by hunting, but are not allowed to harvest more than their own daily bag limit.

(vii) We only allow incidental take of nutria with approved shot and weapons during any open waterfowl season on the refuge.

(viii) We allow incidental take of raccoon, feral hog, armadillo, opossum, and coyote with approved shot and weapons allowed during any open season on the refuge.

(ix) We prohibit hunting within 500 feet (152 meters (m)) of any residence or oil and gas infrastructure, or within 200 feet (61 m) of any road, railroad, levee, water control structure, designated public use trail, designated parking area, or other designated public use facility.

(x) We allow only temporary blinds, and hunters must remove blinds and decoys by 2 p.m. each day (see § 27.93 of this chapter).

(2) *Upland Game Hunting.* We allow youth hunting of squirrel and rabbit, and the incidental take of nutria, coyote, raccoon, armadillo, and opossum, on designated areas of the refuge subject to the following conditions:

(i) When hunting, you must possess only shot size 4 or smaller, or 0.22 caliber rim-fire rifles or smaller. We allow the use of air rifles.

(ii) The conditions set forth at paragraphs (q)(1)(i) and (v) through (ix) apply.

(iii) The Hanson Unit is closed to youth hunting prior to 2 p.m. on Wednesdays, Thursdays, Saturdays, and Sundays during waterfowl hunt season.

(iv) Hunters must leave the refuge no later than 2 hours after legal sunset.

(3) *Big game hunting.* We allow the hunting of white-tailed deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We open the refuge to hunting of white-tailed deer only during the State archery season in State Area 9.

(ii) You may take only one deer of either sex per day.

(iii) We prohibit the use of deer decoys.

(iv) We only allow portable stands. Hunters may erect temporary deer stands no earlier than 48 hours prior to the start of deer archery season. Hunters must remove all deer stands within 48 hours after the archery deer season closes (see § 27.93 of this chapter). Hunters may place only one deer stand on the refuge. Deer stands must have the owner's State hunting license/sportsman's identification number clearly printed on the stand.

(v) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(vi) The conditions set forth at paragraphs (q)(1)(i), (v), (vi), (viii), and (ix), and (q)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow recreational finfishing and shellfishing in all refuge waters subject to the following conditions:

(i) We prohibit the use of unattended nets, traps, or lines (trot, jog, bush, etc.).

(ii) The refuge is open from legal sunrise until legal sunset.

(iii) The condition set forth at paragraph (q)(1)(i) of this section applies.

(r) *Red River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, woodcock, snipe, rail, gallinule, and dove on designated areas of the refuge subject to the following conditions:

(i) Hunters must possess and carry a signed refuge brochure.

(ii) We allow waterfowl hunting until 12 p.m. (noon) during the State season. Waterfowl hunters must exit the refuge no later than 1:30 p.m.

(iii) Hunters may enter the refuge no earlier than 4 a.m.

(iv) Hunters may only hunt during designated times and seasons within specified State seasons as listed in refuge brochure.

(v) We prohibit hunting within 100 feet (30 meters) of any public road, refuge road, trail or ATV trail, residence, building, aboveground oil or gas or electrical transmission facility, or designated public facility.

(vi) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vii) We allow the incidental take of coyote, beaver, and feral hogs in designated areas during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum, and incidental take of coyote and beaver, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii) of this section apply.

(ii) We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting.

(iii) We allow the use of dogs to hunt squirrel and rabbit after December 31.

(iv) Hunters must exit the refuge no later than 1 hour after legal shooting hours, unless participating in authorized hunting after legal sunset.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (r)(1)(i), (iii) through (v), and (vii), and (r)(2)(iv) of this section apply.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow use of only electric trolling motors on all refuge waters while fishing.

(ii) Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (Special Use Permit (FWS Form 3–1383–G)), which is available at the refuge office. You must possess and carry the special refuge permit while fishing using commercial gear.

(iii) We prohibit the taking of alligator snapping turtle (see § 27.21 of this chapter).

(s) * * *

(1) * * *

(iv) Each hunter must complete and turn in a Harvest Report (FWS Form 3–2542) from a self-clearing check station after each hunt.

* * * * *

(t) *Tensas River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, rail, gallinule, coot, woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) All hunters and anglers age 16 and older must purchase an Annual Public Use Permit (FWS Form 3–2439). This permit allows individuals to participate in open (non-quota) hunting and fishing seasons.

(ii) All hunters and anglers must obtain a Self-Clearing Permit (FWS Form 3–2405), available at refuge entry points and at the Visitor Center, and complete the self-clearing process when exiting the refuge at the end of each day.

(iii) We allow hunting of duck, goose, rail, gallinule, coot, and snipe on Tuesdays, Thursdays, Saturdays, and Sundays until 2 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

(iv) We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt.

(v) We allow all-terrain vehicle (ATV) travel on designated trails for access typically from October 1 to the last day of the refuge squirrel season.

(vi) We prohibit field dressing of game within 150 feet (45 meters) of parking areas, maintained roads, and trails.

(vii) An adult age 18 or older must supervise youth hunters age 17 and younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts, but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them.

(viii) We allow the incidental take of coyote, beaver, raccoon, opossum, feral hog, armadillo, and nutria during authorized hunts with firearms and archery equipment legal for use during the hunt.

(2) *Upland game hunting.* We allow hunting of raccoon, squirrel, and rabbit, and the incidental take of coyote, beaver, raccoon, opossum, armadillo, and nutria, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) A nighttime raccoon hunt will be conducted during December, January, and/or February, usually in conjunction with the adjacent State Wildlife Management Area (WMA) raccoon hunting season.

(iii) We allow the use of dogs when squirrel and rabbit hunting subject to the following conditions:

(A) We allow hunting without dogs from the beginning of the State season to December 31.

(B) From the beginning of the State season to December 31, we do not require hunters to wear hunter orange.

(C) We allow squirrel and rabbit hunting with or without dogs from January 1 to the last day of February.

(D) From January 1 to the last day of February, squirrel and rabbit hunters are required to wear a minimum solid hunter orange cap.

(E) We allow no more than three dogs per hunting party.

(iv) We close squirrel and rabbit hunting during the following gun hunts for deer: Refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and the incidental take of feral hogs, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i), (ii), and (iv) through (viii) of this section apply.

(ii) We require a valid Quota Modern Firearm Permit (FWS Form 3–2439) to hunt during a Deer Quota Modern Firearm Hunt. You must complete and submit an application for all Deer Quota Hunts, and hunters will be notified of their drawing status. If selected, hunters are required to purchase the Annual Public Use Permit (FWS Form 3–2439) to claim their Quota Modern Firearm Permit for the selected hunt. Hunters must carry a signed paper copy or electronic version of the permit with them on their person while hunting.

(iii) Deer archery season will begin the first Saturday in November and will conclude on January 31, except for during the youth gun hunt and modern firearms hunts, when archery is prohibited.

(iv) The deer primitive firearms season will occur between November 1 and January 31. We allow all legal primitive firearms as governed by State regulations.

(v) During the deer primitive firearms season, hunters may fit any legal primitive firearms with magnified scopes.

(vi) We allow hunters using primitive weapons to hunt reforested areas.

(vii) We prohibit youth hunters from using modern firearms during the primitive weapon hunt.

(viii) During modern firearm hunts, all firearm hunting, even hunting with primitive weapons or muzzleloaders, is governed by applicable Federal and State regulations. We require a quota hunt permit (FWS Form 3–2439) for these hunts.

(ix) During modern firearm hunts, we prohibit hunting in reforested areas. We prohibit hunting and/or shooting into or

across any reforested area during the quota hunt for deer.

(x) For the guided quota youth hunts, we consider youth to be ages 8 through 15.

(xi) We will conduct a refuge-wide youth deer hunt that will coincide with the State youth hunt weekend.

(xii) Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts, except that during guided youth and wheelchair-bound hunts, the limit will be one antlerless and one antlered deer per day.

(xiii) We allow turkey hunting in designated areas during the State turkey hunt season not to exceed 16 days.

(xiv) We allow a youth turkey hunt weekend in conjunction with the State youth turkey hunt weekend.

(xv) We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (45 meters (m)) from any designated public road, maintained road, trail, fire break, dwelling, or aboveground oil and gas production facility. We define a ''maintained road or trail'' as one that has been mowed, disked, or plowed, or one that is free of trees.

(xvi) We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands from the refuge by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must remove portable stands from trees at the end of each day's hunt and place freestanding stands in a nonhunting position when unattended. Hunters must clearly mark stands left unattended on the refuge with the hunter's last name, Louisiana Department of Wildlife and Fisheries license number, and I-Sportsman Permit Number.

(xvii) We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (t)(1)(i) and (ii) of this section apply.

(ii) We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

(iii) We prohibit the taking of turtle (see § 27.21 of this chapter).

(iv) We prohibit fish cleaning within 150 feet (45 m) of parking areas, maintained roads, and trails.

(u) *Upper Ouachita National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, dove, rail, gallinule, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) You must carry a signed refuge public use brochure and must carry and fill out daily a Visitor Check-In Permit and Report (FWS Form 3–2405).

(ii) Hunters may only hunt during designated refuge seasons as listed in the signed refuge public use brochure.

(iii) We allow waterfowl hunting until 12 p.m. (noon) during the State season. Waterfowl hunters must exit the refuge no later than 1:30 p.m.

(iv) Hunters may enter the refuge no earlier than 4 a.m.

(v) We prohibit hunting within 100 feet (30 meters (m)) of the maintained rights-of-way of roads and from or across all-terrain vehicle (ATV) trails. We prohibit hunting within 50 feet (15 meters (m)) of, or trespassing on, aboveground oil, gas, or electrical transmission facilities.

(vi) When hunting migratory game birds, you may only use dogs to locate, point, and retrieve.

(vii) We allow ATVs only on trails designated for their use and marked by signs (see § 27.31 of this chapter). ATV trails are closed March 1 through August 31.

(viii) We allow the incidental take of coyote, beaver, and feral hog during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of quail, squirrel, rabbit, raccoon, and opossum, and the incidental take of coyote and beaver, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iv), (v), (vii), and (viii) of this section apply.

(ii) You must exit no later than 2 hours after legal shooting hours, unless participating in authorized hunting after legal sunset.

(iii) We allow the nighttime hunting of raccoon and opossum from December 1 to January 31 with the aid of dogs. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (u)(1)(i), (ii), (iv), (v), (vii), and (viii), and (u)(2)(ii) of this section apply.

(ii) Deer hunters must wear hunter orange as governed by State deer hunting regulations in wildlife management areas.

(iii) We prohibit hunters from placing stands or hunting from stands on pine trees with white-painted bands and/or rings.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit leaving boats and other personal property on the refuge overnight (see § 27.93 of this chapter).

(ii) You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

(iii) Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit (Special Use Permit (FWS Form 3–1383–G)), which is available at the refuge office. You must possess and carry the special refuge permit while fishing using commercial gear.

(iv) We prohibit the taking of turtle (see § 27.21 of this chapter).

* * * * *

■ 13. Amend § 32.38 by:

■ a. Revising paragraphs (a) and (b);

■ b. Redesignating paragraph (e) as paragraph (g) and paragraph (c) as paragraph (e);

■ c. Adding new paragraph (c);

■ d. Revising paragraph (d) and newly redesignated paragraphs (e)(2)(i) and (e)(3)(i);

■ e. Adding paragraph (f).

The additions and revisions read as follows:

**§ 32.38 Maine.**

* * * * *

(a) *Franklin Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow temporary or portable blinds. We require hunters to remove all portable or temporary blinds and decoys from the refuge following each day's hunt (see § 27.93 of this chapter).

(2)–(4) [Reserved]

(b) *Moosehorn National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, American woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow hunters to enter the refuge 1 hour before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours.

(iii) We only allow portable or temporary blinds and decoys that must be removed from the refuge following each day's hunt (see § 27.93 of this chapter).

(iv) Hunters must retrieve all species harvested on the refuge.

(2) *Upland game hunting.* We allow hunting of bobcat, eastern coyote, ruffed grouse, snowshoe hare, red fox, gray and red squirrel, raccoon, skunk, porcupine, and woodchuck on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii) (except for hunters pursuing raccoon and coyote at night), (iii), and (iv) of this section apply.

(ii) We allow hunting for eastern coyote, red squirrel, and woodchuck only from October 1 to March 31.

(3) *Big game hunting.* We allow hunting of black bear, moose, and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), and (iv) of this section apply.

(ii) We allow tree stands, blinds, and ladders to be set up on the opening day of the archery deer season. Hunters must clearly label tree stands, blinds, or ladders left on the refuge overnight with your State hunting license number and last name. Hunters must remove tree stand(s), blind(s), and/or ladder(s) from the refuge on the last day of the muzzleloader deer season (see § 27.93 of this chapter).

(iii) You may hunt black bear, eastern coyote, and white-tailed deer during the State archery and firearms deer seasons on the Baring Division east of State Route 191.

(iv) We prohibit use of firearms to hunt bear during the archery deer season on the Baring Division east of Route 191. We prohibit the use of firearms, other than a muzzleloader, to hunt coyote during the deer muzzleloader season on the Baring Division east of Route 191.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We only allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) We prohibit trapping fish for use as bait.

(c) *Petit Manan National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, seaduck, brant, woodcock, rail, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow temporary or portable blinds. We require hunters to remove all portable or temporary blinds and decoys from the refuge following each day's hunt (see § 27.93 of this chapter).

(2) *Upland game hunting.* We allow hunting of ruffed grouse, gray squirrel, red squirrel, skunk, snowshoe hare, fox, coyote, porcupine woodchuck, bobcat, and raccoon on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of dogs for pursuing game.

(ii) We allow hunting for coyotes, red squirrel, porcupine, and woodchuck from November 1 to March 31.

(iii) Hunters must retrieve all species harvested on the refuge.

(iv) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) *Big game hunting.* We allow hunting of white-tailed deer and black bear on designated areas of the refuge subject to the following conditions:

(i) Petit Manan Point is open only during the muzzleloader deer season.

(ii) We allow black bear hunting during the firearm season for white-tailed deer.

(iii) We allow hunters to enter the refuge 1 hour before legal sunrise, and they must exit the refuge no later than 1 hour after legal sunset.

(iv) We prohibit the use of dogs when hunting black bear.

(v) We require hunters to remove all tree stands, blinds, and ladders from the refuge on the last day of muzzleloader deer season (see § 27.93 of this chapter).

(4) [Reserved]

(d) *Pond Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We allow temporary or portable blinds. We require hunters to remove all portable or temporary blinds and decoys from the refuge following each day's hunt (see § 27.93 of this chapter).

(2)–(4) [Reserved]

(e) * * *

(2) * * *

(i) The conditions set forth at paragraphs (e)(1)(i) and (iii) of this section apply.

* * * * *

(3) * * *

(i) The conditions as set forth at paragraphs (e)(1)(i) and (iv) of this section apply.

* * * * *

(f) *Sunkhaze Meadows National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, rail, American woodcock, and Wilson's snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) The hunter must retrieve all species harvested on the refuge.

(iii) We only allow portable or temporary blinds and decoys that must be removed from the refuge following each day's hunt (see § 27.93 of this chapter).

(iv) We allow hunters to enter the refuge 1 hour before legal shooting hours, and they must exit the refuge no later than 1 hour after legal shooting hours.

(2) *Upland game hunting.* We allow hunting of bobcat, coyote, ruffed grouse, hare, red fox, gray squirrel, red squirrel, raccoon, skunk, and woodchuck on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (iv) (except for hunters pursing raccoon or coyote at night) of this section apply.

(ii) We allow hunting for eastern coyote, red squirrel, and woodchuck only from October 1 to March 31.

(3) *Big game hunting.* We allow hunting of black bear, moose, wild turkey, and white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i), (ii), and (iv) of this section apply.

(ii) We allow tree stands, blinds, and ladders to be set up on the opening day of the archery deer season. Hunters must clearly label tree stands, blinds, or ladders left on the refuge overnight with your State hunting license number and last name. Hunters must remove tree stand(s), blind(s), and/or ladder(s) from the refuge on the last day of the muzzleloader deer season (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following condition: We prohibit trapping fish for use as bait.

■ 14. Amend § 32.41 by revising paragraph (b) to read as follows:

**§ 32.41 Michigan.**

* * * * *

(b) *Harbor Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1 hour before legal sunrise

and must leave the refuge no later than 1 hour after legal sunset.

(ii) You must remove boats, blinds, blind materials, stands, decoys, and other hunting equipment from the refuge at the end of each day (see §§ 27.93 and 27.94 of this chapter).

(iii) We allow the use of dogs while hunting in accordance with Michigan State regulations, provided the dog is under the immediate control of the hunter at all times.

(2) *Upland game hunting.* We allow upland game hunting on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(ii) For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(3) *Big game hunting.* We allow hunting of big game subject to the following conditions:

(i) The condition set forth at paragraph (b)(1)(i) of this section applies.

(ii) We prohibit dogs for big game hunting.

(iii) Deer hunters may place one portable stand or blind on the refuge for use while deer hunting, but only during the open deer season. The stand must be clearly labeled with the hunter's Michigan license/sportsmen's identification number. The stand must be removed by the end of the season (see §§ 27.93 and 27.94 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following condition: We prohibit the taking of any mussel (clam), crayfish, leech, frog, toad, salamander, snake, lizard, turtle, and other non-fish species by any method on the refuge (see § 27.21 of this chapter).

* * * * *

■ 15. Amend § 32.42 by revising paragraphs (p)(1) introductory text, (p)(1)(v), and (p)(2)(ii) to read as follows:

**§ 32.42 Minnesota.**

* * * * *

(p) * * *

(1) *Migratory game bird hunting.* We allow hunting of goose, duck, merganser, coot, Sora/Virginia rail, woodcock, snipe, common moorhen/gallinule, mourning dove, and American crow on designated areas of the refuge subject to the following conditions:

* * * * *

(v) You may only hunt American crow from September 1 through the end of February within the migratory bird hunting area. We prohibit hunting from March 1 through August 31.

* * * * *

(2) * * *

(ii) We allow spring turkey hunting for youth hunters and persons with disabilities, and fall turkey hunting for all hunters, on designated areas of the refuge.

* * * * *

■ 16. Amend § 32.43 by:

■ a. Revising paragraphs (b)(1)(iv), (b)(3)(i), (c)(1)(iv), and (c)(2)(ii);

■ b. Removing paragraph (c)(2)(iii);

■ c. Revising paragraph (c)(3)(i);

■ d. Removing paragraph (c)(3)(ii);

■ e. Redesignating paragraphs (c)(3)(iii) through (vii) as paragraphs (c)(3)(ii) through (vi); and

■ f. Revising paragraphs (d), (e)(1)(iii), (e)(3)(iv), (f)(2)(iii), (g)(1)(iii), (h)(1)(iii), (h)(3)(iv), (i)(1)(iii), (i)(3)(iv), (j), (l)(1)(iv), (l)(2)(i), (l)(3)(i), (m)(1)(iii), and (m)(3)(iv).

The revisions read as follows:

**§ 32.43 Mississippi.**

* * * * *

(b) * * *

(1) * * *

(iv) Each hunter must obtain a daily Harvest Report (FWS Form 3–2542). You must display the card in plain view on the dashboard of your vehicle so that the State-issued license number is readable. Prior to leaving the refuge, you must complete the reverse side of the card and deposit it at one of the refuge information stations. Include all game harvested, and if you harvest no game, report ''0.'' We prohibit hunters possessing more than one Harvest Report at a time.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (b)(1)(i), (ii), (iv), and (vi) of this section apply.

* * * * *

(c) * * *

(1) * * *

(iv) Each hunter must obtain a daily Harvest Report (FWS Form 3–2542). You must display the card in plain view on the dashboard of your vehicle so that the State-issued license number is readable. Prior to leaving the refuge, you must complete the card and deposit it at one of the refuge information stations. Include all game harvested, and if you harvest no game, report ''0.'' We prohibit hunters possessing more than one Harvest Report at a time.

* * * * *

(2) * * *

(ii) The conditions set forth at paragraphs (c)(1)(i), (ii), (iv), (v), and (ix) of this section apply.

(3) * * *

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), (iv), (v), and (ix) of this section apply.

* * * * *

(d) *Grand Bay National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, and dove (mourning and white-winged) on designated areas of the refuge subject to the following conditions:

(i) Each hunter must possess and carry a signed copy of the refuge brochure while participating in refuge hunts.

(ii) Hunters must remove all decoys, blind material, and harvested waterfowl from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iii) You must only use portable or temporary blinds.

(iv) We only allow the use of dogs when waterfowl hunting. We require all dogs to wear a collar displaying the owner's contact information.

(v) We allow incidental take of coyote and nutria during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of squirrel (gray and fox) and rabbit (cottontail and swamp), and incidental take of coyote and nutria, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) of this section apply.

(ii) We only allow .22 caliber rimfire rifles.

(3) *Big game hunting.* We allow hunting of white-tailed deer, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) and (v) of this section apply.

(ii) We only allow hunting with bow and arrow. We prohibit firearms.

(iii) We allow portable and climbing tree stands. Hunters must remove tree stands from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(iv) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may enter the refuge no earlier than 30 minutes prior to sunrise

and must leave the refuge no later than 30 minutes after legal sunset each day.

(ii) We prohibit fishing from legal sunset to legal sunrise.

(e) * * *

(1) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the State-issued license number is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(3) * * *

(iv) The refuge brochure provides deer check station locations and requirements. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station (Harvest Report, FWS Form 3–2542) following the posted instructions.

* * * * *

(f) * * *

(2) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the required information is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(g) * * *

(1) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the required information is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(h) * * *

(1) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the required information is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(3) * * *

(iv) The refuge brochure provides deer check station locations and requirements. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station (Harvest Report, FWS Form 3–2542) following the posted instructions.

* * * * *

(i) * * *

(1) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the required information is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(3) * * *

(iv) The refuge brochure provides deer check station locations and requirements. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station (Harvest Report, FWS Form 3–2542) following the posted instructions.

* * * * *

(j) *Sam D. Hamilton Noxubee National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, light and dark goose, merganser, woodcock, crow, gallinule (purple and common), snipe, and coot on designated areas of the refuge subject to the following conditions:

(i) Hunters and anglers must purchase a North Mississippi Refuge Complex Hunting/Fishing Permit (#606), available from the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP).

(ii) Youth hunters age 15 and younger and hunters age 65 and older are not required to obtain a North Mississippi Refuge Complex Hunting/Fishing Permit (#606).

(iii) Hunters must remove all decoys, blind material, and harvested game from the refuge by 1 p.m. each day (see §§ 27.93 and 27.94 of this chapter).

(iv) Hunters may enter the refuge at 4 a.m. and must exit the refuge no later than 2 hours after legal sunset, except during raccoon hunts.

(v) Each hunter must obtain a daily Harvest Report (FWS Form 3–2542). Hunters must display the card in plain view on the dashboard of the vehicle. Prior to leaving the refuge, hunters must complete the card and deposit it at one of the refuge information stations. Hunters must include all game harvested and if you harvest no game, report ''0''. We prohibit hunters possessing more than one Harvest Report at a time.

(vi) We limit waterfowl hunters to 25 shotshells per person.

(vii) Hunters must remove all personal property at the end of each day's hunt from the Noxubee Wilderness Area (see §§ 27.93 and 27.94 of this chapter). Outside the Noxubee Wilderness Area, hunters may leave tree stands labeled with the hunter's State hunting license number used for deer hunting.

(viii) We allow hunting of waterfowl (duck, light and dark goose, merganser, coot, and gallinule) during State seasons, including the State Light Goose Conservation Order, only on Wednesday and Saturdays ending at 12 p.m.

(ix) We allow the use of dogs for retrieval of migratory and upland game only.

(x) We allow incidental take of coyote, beaver, nutria, skunk, fox, and feral hog during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(2) *Upland game hunting.* We allow hunting of squirrel, rabbit, quail, opossum, and raccoon, and incidental take of coyote, fox, skunk, beaver, and nutria, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i), (ii), (iv), (v), (vii), (ix), and (x) of this section apply.

(ii) We allow raccoon and opossum hunting between the hours of legal sunset and legal sunrise.

(3) *Big game hunting.* We allow hunting of white-tailed deer turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (j)(1)(i), (ii), (iv), (v), (vii), and (x) of this section apply.

(ii) We prohibit the use of buckshot on the refuge.

(iii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) You may place one portable tree stand or ground blind for deer hunting on the refuge only during the open deer season. You must clearly label the stand or blind with your State hunting license number.

(v) While climbing a tree, installing a tree stand that uses climbing aids, or hunting from a tree stand on the refuge, you must use a fall-arrest system (full body harness) that is manufactured to the Treestand Manufacturer's Association standards.

(vi) Hunters may place deer stands on the refuge 7 days prior to the hunt, and hunters must remove deer stands no more than 7 days after the refuge's deer

season closes (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The general sport fishing, boating, and bow fishing season extends from March 1 through October 31, except that we open the shoreline of Bluff Lake from the Bluff Lake Boardwalk to the visitor center, the entire Noxubee River, and all borrow pit areas along Highway 25 to fishing year-round.

(ii) The condition set forth at paragraph (j)(1)(i) of this section applies.

(iii) Anglers must keep boat travel at idle speed, and they must not create a wake when moving.

(iv) We prohibit limb lines, jug fishing, trotlines, snag lines, and hand grappling in Ross Branch, Bluff, and Loakfoma Lakes, as well as in areas within 100 yards of refuge water and transportation structures.

(v) When left unattended, anglers must tag fishing gear with their State fishing license number. Anglers must check all gear within 24 hours each day or remove these devices (see § 27.93 of this chapter).

(vi) We allow trotlining on the refuge subject to the following conditions:

(A) Anglers must label each end of the trotline floats with the owner's State fishing license number.

(B) We limit trotlines to one line per person, and we allow no more than two trotlines per boat.

(C) Anglers must tend all trotlines every 24 hours, and must remove them when not in use (see § 27.93 of this chapter).

(D) Trotlines must possess at least 6-inch (15.2-centimeter) cotton string leads.

(vii) We allow jug fishing on the refuge subject to the following conditions:

(A) Anglers must label each jug with their State fishing license number.

(B) Anglers must check all jugs every 24 hours, and must remove them when not in use (see § 27.93 of this chapter).

(viii) We prohibit bow fishing after legal sunset.

(ix) We prohibit fishing tournaments on all refuge waters.

(x) We prohibit the taking of frogs, turtles, and crawfish (see § 27.21 of this chapter).

(xi) We prohibit using nets of any type to capture free-roaming fish or wildlife. You may use a fishing net to recover fish caught by hook and line.

(xii) Outside the Noxubee Wilderness Area, anglers may leave trotlines and jugs used for fishing overnight if they are labeled with the angler's State fishing license number.

* * * * *

(l) * * *

(1) * * *

(iv) Each hunter must obtain a daily Harvest Report (FWS Form 3–2542). You must display the card in plain view on the dashboard of your vehicle so that the State-issued license number is readable. Prior to leaving the refuge, you must complete the card and deposit it at one of the refuge information stations. Include all game harvested, and if you harvest no game, report ''0.'' We prohibit hunters possessing more than one Harvest Report at a time.

* * * * *

(2) * * *

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), (iv), (v), and (ix) of this section apply.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (l)(1)(i), (ii), and (iv) of this section apply.

* * * * *

(m) * * *

(1) * * *

(iii) Before hunting or fishing, all participants must display their Daily Visitor Information/Harvest Report Card (Harvest Report, FWS Form 3–2542) in plain view in their vehicle so that the required information is readable. You must return all cards upon completion of the activity and before leaving the refuge.

* * * * *

(3) * * *

(iv) The refuge brochure provides deer check station locations and requirements. Prior to leaving the refuge, you must check all harvested deer at the nearest self-service check station (Harvest Report, FWS Form 3–2542) following the posted instructions.

* * * * *

■ 17. Amend § 32.44 by revising paragraphs (b)(3)(i), (d), (f)(2)(iii), and (f)(3)(ii) to read as follows:

**§ 32.44 Missouri.**

* * * * *

(b) * * *

(3) * * *

(i) You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Harvest Report (FWS Form 3–2542).

* * * * *

(d) *Loess Bluffs National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, crow, merganser, duck, coot, dove, rail, and snipe on designated areas of the refuge subject to the following conditions:

(i) We require a permit issued by the State for waterfowl draw hunts.

(ii) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours. Legal shooting time for waterfowl draw hunts ends at 1 p.m.

(iii) We allow dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) You must remove all boats, decoys, blinds, blind materials, stands, platforms, and other hunting equipment (see §§ 27.93 and 27.94 of this chapter) brought onto the refuge at the end of each day's hunt.

(v) We prohibit motorized watercraft. We allow nonmotorized boats such as canoes, kayaks, and layout boats.

(2) *Upland game hunting.* We allow hunting of groundhog/woodchuck, pheasant, quail, rabbit, coyote, raccoon, opossum, skunk, and squirrel on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (d)(1)(ii) through (v) of this section apply.

(3) *Big game hunting.* We allow hunting of deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(ii) and (v) of this section apply.

(ii) For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

(iii) Hunters may only hunt white-tailed deer during archery season with the exception of the managed deer hunt, which requires a special permit (FWS Form 3–2439).

(iv) Hunters may use only portable stands in accordance with Missouri Department of Conservation regulations. Portable stands left on the refuge must be marked according to Missouri Department of Conservation guidelines and removed no later than the last day of the season (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following condition: You may take fish, amphibians, reptiles, and crustaceans only with a hand-held pole and line or rod and reel.

* * * * *

(f) * * *

(2) * * *

(iii) We require that all hunters complete a Harvest Report (FWS Form 3–2542) located at the exit kiosks prior to exiting the refuge.

* * * * *

(3) * * *

(ii) We require that all hunters complete the Harvest Report (FWS Form

3–2542) located at the exit kiosks prior to exiting the refuge.

* * * * *

■ 18. Amend § 32.45 by:
■ a. Revising paragraph (f)(3) introductory text;
■ b. Adding paragraph (f)(3)(iv);
■ c. Revising paragraph (x)(3) introductory text; and
■ d. Adding paragraph (x)(3)(iv).

The revisions and additions read as follows:

**§ 32.45 Montana.**

* * * * *

(f) * * *

(3) *Big game hunting.* We allow hunting of elk, pronghorn, white-tailed deer, mule deer, and mountain lion on designated areas of the refuge subject to the following conditions:

* * * * *

(iv) Mountain lion hunting will follow State-established dates for the archery-only and fall seasons.

* * * * *

(x) * * *

(3) *Big game hunting.* We allow hunting of elk, pronghorn, white-tailed deer, mule deer, and mountain lion on designated areas of the refuge subject to the following conditions:

* * * * *

(iv) Mountain lion hunting will follow State-established dates for the archery-only and fall seasons.

* * * * *

■ 19. Amend § 32.47 by adding paragraphs (b)(1) and (2) to read as follows:

**§ 32.47 Nevada.**

* * * * *

(b) * * *

(1) *Migratory game bird hunting.* We allow hunting of dove on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on designated days.

(ii) You may not possess more than 25 shot shells while in the field once you have left your vehicle.

(2) *Upland game hunting.* We allow hunting of chukar and quail on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (b)(1)(i) and (ii) of this section apply.

* * * * *

■ 20. Amend § 32.48 by revising paragraph (b) to read as follows:

**§ 32.48 New Hampshire.**

* * * * *

(b) *Silvio O. Conte National Fish and Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, common snipe, and American woodcock on designated areas of the refuge subject to the following condition: We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of coyote, fox, raccoon, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, crow, snowshoe hare, muskrat, opossum, fisher, mink, weasel, ring-necked pheasant, and ruffed grouse on designated areas of the refuge subject to the following condition: We allow the use of dogs consistent with State regulations.

(3) *Big game hunting.* We allow hunting of white-tailed deer, moose, black bear, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) We allow tree stands and blinds that are clearly marked with the owner's State hunting license number.

(ii) You must remove your tree stand(s) and blind(s) no later than 72 hours after the close of the season (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge.

* * * * *

■ 21. Amend § 32.49 by:
■ a. Revising paragraphs (a), (c), (d), and (e)(2)(ii);
■ b. Adding paragraph (e)(3)(iii); and
■ c. Revising paragraphs (e)(4) introductory text and (e)(4)(i) and (iv).

The revisions and addition read as follows:

**§ 32.49 New Jersey.**

* * * * *

(a) *Cape May National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of light goose, dark goose, duck, sea duck, gallinule, coot, rail, snipe, crow, and woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) The snipe and crow season on the refuge begins with the start of the State woodcock south zone season and continues through the end of the State snipe and crow seasons.

(iii) We prohibit falconry.

(iv) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) We allow woodchuck hunting from the beginning of the State woodcock south zone season until the end of the State rabbit season.

(iii) Coyote, fox, rabbit, squirrel, and pheasant seasons open at the beginning of the State woodcock south zone season and close in accordance with the State seasons for each species.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i), (iii), and (iv) of this section apply.

(ii) Tree stands must be marked with the owner's New Jersey conservation identification number.

(iii) We allow turkey hunting during the State fall season.

(iv) We require the use of nontoxic ammunition for turkey hunting.

(4) *Sport fishing.* We allow saltwater sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing from ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) We close the Atlantic Ocean portion of the Two Mile Beach Unit annually to all access, including fishing, between April 1 and September 30.

(iii) We prohibit fishing for, or possession of, crab or shellfish on refuge lands.

* * * * *

(c) *Great Swamp National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of Canada goose on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) Hunters must obtain a refuge hunt permit (FWS Form 3–2439), and possess the signed refuge permit at all times while hunting or scouting on the refuge.

(2) *Upland game hunting.* We allow hunting of coyote and fox on designated areas of the refuge subject to the following condition: We only allow the incidental take of coyote and fox during the refuge deer and turkey hunts.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) We require the use of nontoxic shot while hunting wild turkey.

(ii) We allow hunters to use sleds to retrieve deer in the Wilderness Area east of Long Hill/New Vernon Road. We prohibit wheeled game carriers in the Wilderness Area.

(iii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) [Reserved]

(d) *Supawna Meadows National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of light goose, dark goose, duck, sea duck, gallinule, coot, crow, rail, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We prohibit falconry.

(iii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(2) *Upland game hunting.* We allow hunting of coyote, fox, woodchuck, rabbit, squirrel, and pheasant on designated areas of the refuge subject to the following conditions:

(i) We allow woodchuck hunting only during the State coyote and fox seasons.

(ii) The conditions set forth at paragraphs (d)(1)(ii) and (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (d)(1)(i) through (iii) of this section apply.

(ii) We require the use of nontoxic ammunition for turkey hunting.

(iii) We allow archery hunting for white-tailed deer during all six State Deer Management Zone 63 seasons and on youth hunting days.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We prohibit the taking of frogs and turtles from all nontidal waters and refuge lands (see § 27.21 of this chapter).

(ii) We allow fishing in designated nontidal waters from ½ hour before legal sunrise to ½ hour after legal sunset.

(iii) We prohibit bow fishing in nontidal waters.

(iv) We prohibit fishing for, or possession of, crab and shellfish on refuge lands.

(e) * * *

(2) * * *

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) * * *

(iii) We require the use of nontoxic ammunition for turkey hunting.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) At Owens Station Crossing and Hidden Ponds fishing areas, we allow catch-and-release fishing only.

* * * * *

(iv) We prohibit minnow and bait trapping.

■ 22. Amend § 32.50 by:

■ a. Redesignating paragraph (b)(3)(iii) as paragraph (b)(3)(iv);

■ b. Adding new paragraphs (b)(3)(iii) and (v); and

■ c. Revising paragraphs (c) and (f)(1)(iv).

The additions and revisions read as follows:

**§ 32.50 New Mexico.**

* * * * *

(b) * * *

(3) * * *

(iii) We allow hunting of bearded Rio Grande turkey on the Bajada Hunt Unit, East Hunt Unit, and West Hunt Unit during the general spring turkey season only, as defined by the State. You may take bearded Rio Grande turkey only with a method allowed within each refuge hunt unit.

* * * * *

(v) In the Bajada Hunt Unit, we restrict the methods of take to bow and arrow, crossbow, and muzzleloader or muzzleloading shotguns only, as defined by the State. In the East Hunt Unit and West Hunt Unit, we allow any legal weapon during State big game hunting designated dates.

* * * * *

(c) *Las Vegas National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of mourning and white-winged dove and goose on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs when hunting.

(ii) Hunters must possess a permit (FWS Form 3–2439).

(iii) We allow the hunting of dove from September 1 to September 30.

(iv) We allow the hunting of goose on dates to be determined by refuge staff.

(v) Shooting hours for geese are from ½ hour before legal sunrise until 1 p.m. local time.

(vi) We assign an aggregate bag limit for geese.

(vii) We prohibit falconry on the refuge.

(2) *Upland game hunting.* We allow hunting of Eurasian collared-dove, desert cottontail, and Eastern cottontail on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (vii) of this section apply.

(ii) We allow the hunting of Eurasian collared-dove and cottontail rabbits from September 1 to September 30.

(iii) We allow only shotgun, muzzleloading shotgun firing shot, bow and arrow, and crossbow for hunting.

(3) *Big game hunting.* We allow youth elk hunts on designated areas of the refuge subject to the following conditions:

(i) Hunters must attend a refuge hunter orientation before hunting on the refuge.

(ii) Hunters may be accompanied by a maximum of two non-hunting guests.

(iii) Hunters are assigned a hunt unit.

(4) [Reserved]

* * * * *

(f) * * *

(1) * * *

(iv) In Units A and B, the Cornerstone Marsh Unit and Pintail blind, we require a Mobility-Impaired Certification (per Mobility-Impaired Certification in the State hunting rules and information pamphlet).

* * * * *

■ 23. Amend § 32.51 by:

■ a. Revising paragraphs (c)(1)(ii)(E), (d), (i)(2) introductory text, and (i)(2)(ii);

■ b. Adding paragraph (i)(3)(iii); and

■ c. Revising paragraphs (i)(4)(i), (iii), and (iv).

The revisions and addition read as follows:

**§ 32.51 New York.**

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(E) We allow hunting from legal starting time until 12 p.m. (noon). We require hunters to return a completed Harvest Report (FWS Form 3–2542) no later than 1 p.m. on the day of the hunt.

* * * * *

(d) *Montezuma National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl, Canada goose, snow goose, and gallinule on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) For the regular waterfowl season and October through January season for Canada goose:

(A) We require daily refuge permits (FWS Form 3–2542) and reservations; we issue permits to hunters with a reservation for that hunt day. Permits may become available on a first-come/first-served, self-serve basis during New York State's second split, subject to hunting conditions and the refuge manager's discretion. We require you to

complete and return your permit by the end of the hunt day.

(B) We allow hunting only on Tuesdays, Thursdays, and Saturdays during the established refuge season set within the State western zone season, and during New York State's established special hunts, which can occur any day of the week as set by the State.

(C) All hunters with reservations and their hunting companions must check-in at the Route 89 Hunter Check Station area at least 1 hour before legal shooting time or forfeit their reservation.

(D) We allow motorless boats to hunt waterfowl. We limit hunters to one boat per reservation and one motor vehicle in the hunt area per reservation. Hunters may enter the refuge/Hunter Check Station area no earlier than 2 hours before legal sunrise.

(E) We prohibit shooting from within 500 feet (152 meters) of the Tschache Pool observation tower.

(F) We require proof of successful completion of the New York State waterfowl identification course, the Montezuma nonresident waterfowl identification course, or a suitable nonresident State waterfowl identification course. All hunters must show proof of successful course completion each time they hunt.

(G) You may hunt gallinule and Canada goose on refuge areas designated for the regular waterfowl season only during the regular waterfowl season.

(iii) For Canada goose in September and snow goose hunting:

(A) We allow hunting of Canada goose during the New York State September season and hunting of snow goose during portions of the New York State snow goose season and portions of the period covered by the Light Goose Conservation Order.

(B) You must possess a valid daily hunt permit (FWS Form 3–2542). We require you to complete and return the daily hunt permit card by the end of the hunt day.

(C) For snow goose hunting, hunters may enter the refuge/Hunter Check Station area no earlier than 4 hours before legal sunrise. For Canada goose hunting, hunters may enter the refuge/Hunter Check Station area no earlier than 2 hours before legal sunrise.

(2) *Upland game hunting.* We allow hunting of rabbit and squirrel on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (d)(1)(i) of this section applies.

(ii) You must possess a valid daily hunt permit (FWS Form 3–2542) and are required to complete and return the daily hunt permit card by the end of each hunt day.

(iii) We allow upland game hunters to access the refuge from 2 hours before legal sunrise until 2 hours after legal sunset.

(iv) We require the use of approved nontoxic shot for upland game hunting (see § 32.2(k)).

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (d)(1)(i) of this section applies.

(ii) You must possess a valid daily hunt permit (FWS Form 3–2542). We require you to complete and return the daily hunt permit card by the end of the hunt day.

(iii) We allow white-tailed deer and turkey hunters to access the refuge from 2 hours before legal sunrise until 2 hours after the end of legal shooting time.

(iv) We allow youth and special big game hunts during New York State's established youth and special big game hunts each year.

(4) *Sport fishing.* We allow access for fishing from designated areas of the refuge subject to the following condition: We prohibit the use of lead fishing tackle.

* * * * *

(i) * * *

(2) *Upland game hunting.* We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, jackrabbit, chukar, woodchuck, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge subject to the following conditions:

* * * * *

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

(3) * * *

(iii) We require nontoxic ammunition while hunting turkey.

(4) * * *

(i) At Owens Station Crossing and Hidden Ponds fishing areas, we allow catch-and-release fishing only.

* * * * *

(iii) We prohibit the taking of amphibians and reptiles (see § 27.21 of this chapter).

(iv) We prohibit minnow and bait trapping.

* * * * *

■ 24. Amend § 32.52 by:

■ a. Revising paragraph (d);

■ b. Adding paragraph (e)(1); and

■ c. Revising paragraph (e)(3).

The revisions and addition read as follows:

**§ 32.52 North Carolina.**

* * * * *

(d) *Great Dismal Swamp National Wildlife Refuge.* Refer to § 32.65(g) for regulations.

(e) * * *

(1) *Migratory game bird hunting.* We allow hunting of swan, light and dark goose, duck, merganser, coot, moorhen, and gallinule on designated areas of the refuge subject to the following conditions:

(i) We require a North Carolina Waterfowl Hunt Permit or a signed refuge hunt brochure that must be carried while hunting on the refuge.

(ii) Hunters must hunt from their assigned blind location.

(iii) We allow hunting from ½ hour before legal sunrise to 4:20 p.m. (as governed by County regulations).

(iv) We allow hunters to access the refuge 1½ hours before legal shooting time until 5:20 p.m.

(v) We allow incidental take of coyote and feral hog while hunting.

* * * * *

(3) *Big game hunting.* We allow hunting of deer, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) We require a signed refuge hunt brochure that hunters must sign and carry while hunting on the refuge.

(ii) We allow the use of shotguns, muzzleloading rifles/shotguns, pistols, crossbows, and bows. We prohibit the use of all other rifles.

(iii) We allow access to hunting areas from 5 a.m. until 8 p.m.

(iv) We prohibit carrying a loaded firearm on or within 50 feet (15 meters) of gravel roads.

(v) The condition set forth at paragraph (e)(1)(v) of this section applies.

* * * * *

■ 25. Amend § 32.53 by:

■ a. Removing paragraph (e)(3)(i);

■ b. Redesignating paragraphs (e)(3)(ii) and (iii) as paragraphs (e)(3)(i) and (ii); and

■ c. Revising the heading of paragraph (k).

The revision reads as follows:

**§ 32.53 North Dakota.**

* * * * *

(k) *Canfield Lake National Wildlife Refuge.*

* * * * *

■ 26. Amend § 32.55 by:

■ a. Revising paragraphs (a)(1)(i), (a)(3)(i), (b)(1)(iii), (b)(2)(iii), (b)(3)(vi), (d)(2)(i), and (f)(1)(i);

■ b. Removing paragraph (f)(1)(iv);
■ c. Redesignating paragraphs (f)(1)(v) through (vii) as paragraphs (f)(1)(iv) through (vi); and
■ d. Revising paragraphs (f)(2) introductory text, (f)(2)(i), (f)(3)(i) and (ii), (f)(4), (g)(1)(ii), (g)(4)(ii), (i)(1)(i), (j)(1)(i), and (j)(4).

The revisions read as follows:

**§ 32.55 Oklahoma.**

* * * * *

(a) * * *

(1) * * *

(i) You must possess and carry a signed refuge hunt brochure.

* * * * *

(3) * * *

(i) You must possess and carry a signed refuge hunt brochure for the archery deer hunt. Hunters must turn in a Harvest Report (FWS Form 3–2542) by December 31 annually. Failure to submit the report will render the hunter ineligible for the next year's limited season archery deer hunt.

* * * * *

(b) * * *

(1) * * *

(iii) You must possess and carry a signed refuge hunt brochure while hunting.

* * * * *

(2) * * *

(iii) You may take beaver, raccoon, and coyote as incidental take to any daytime established refuge hunt with legal weapons and a signed hunt brochure for the current hunt season.

* * * * *

(3) * * *

(vi) You may hunt feral hog during any established refuge hunting season. Signed refuge hunt brochure and legal weapons apply for the current hunting season.

* * * * *

(d) * * *

(2) * * *

(i) You must possess and carry a signed refuge hunt brochure.

* * * * *

(f) * * *

(1) * * *

(i) You must possess and carry a signed refuge hunt brochure.

* * * * *

(2) *Upland game hunting.* We allow hunting of Eastern gray and fox squirrel and swamp and Eastern cottontail rabbit on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) through (vi) of this section apply.

* * * * *

(3) * * *

(i) The conditions set forth at paragraphs (f)(1)(i) through (iii) and (vi) of this section apply.

(ii) We require a limited hunt permit (State-issued) for controlled hunts for muzzleloader and archery deer, and for spring wild turkey hunts.

* * * * *

(4) *Sport fishing.* We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

(i) We prohibit fishing or frogging from September 1 through March 31 in the waterfowl sanctuary south of refuge headquarters, as designated by buoys and signs.

(ii) You must remove setlines (trotlines, throwlines, juglines, limblines, yo-yos) from the waterfowl sanctuary before September 1 (see § 27.93 of this chapter).

(iii) The conditions set forth at paragraphs (f)(1)(v) and (vii) of this section apply.

(iv) We prohibit the take of reptiles, amphibians (except bullfrogs), mollusks, and crayfish (see § 27.21 of this chapter).

(v) We prohibit the use of setlines in creeks and tributaries entering the Arkansas River or Canadian River on the refuge.

(g) * * *

(1) * * *

(ii) Hunters must possess and carry a signed hunt brochure.

* * * * *

(4) * * *

(ii) Anglers may use boats from March 1 through September 30 in designated waters unless otherwise specified on the fishing brochure.

* * * * *

(i) * * *

(1) * * *

(i) We require hunters to carry a signed refuge hunt brochure while hunting duck, goose, merganser, and sandhill crane.

* * * * *

(j) * * *

(1) * * *

(i) Hunters must possess a current signed refuge hunt brochure while hunting on the refuge.

* * * * *

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) You may take fish only with pole and line or rod and reel.

(ii) We prohibit taking of frogs and turtles (see § 27.21 of this chapter).

(iii) Anglers may use motorized boats on Elmer Thomas Lake; however, we enforce a no-wake rule on the lake.

(iv) Anglers may use hand-powered boats only on Elmer Thomas, Jed Johnson, Rush, Quanah Parker and French Lakes.

(v) Anglers may use electric trolling motors on boats 14 feet or less in length only on Elmer Thomas, Jed Johnson, Rush, Quanah Parker, and French Lakes.

(vi) We allow fishing after legal sunset on the refuge including by boat, but we prohibit all other boating after legal sunset.

(vii) We prohibit fishing from public roadways and bridges opened to motorized vehicles.

(viii) We allow wading when fishing, provided that wading anglers must use tube-type floaters, life jackets, or buoyant vests.

(ix) We close Kiowa Lake to fishing except for shoreline fishing associated with a U.S. Fish and Wildlife Service-sponsored aquatic education program.

■ 27. Amend § 32.56 by:
■ a. Revising paragraphs (k)(1) through (3), (q)(1)(xi), (t)(1) introductory text, and (t)(1)(viii);
■ b. Adding paragraph (u)(1); and
■ c. Revising paragraph (u)(3).

The revisions and addition read as follows:

**§ 32.56 Oregon.**

* * * * *

(k) * * *

(1) *Migratory game bird hunting.* We allow hunting of dove, goose, duck, merganser, coot, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow nonmotorized boats or boats equipped with only electric motors on the North and South Malheur Lake Hunt Units.

(ii) We allow only portable and temporary hunting blinds.

(iii) You must remove boats, decoys, blinds, materials, and all personal property at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iv) You may take Eurasian collared-dove only during the State mourning dove season.

(2) *Upland game hunting.* We allow hunting of pheasant, quail, partridge, chukar, rabbit, hare, and coyote on designated areas of the refuge.

(3) *Big game hunting.* We allow hunting of deer and pronghorn on designated areas of the refuge subject to the following conditions:

(i) We allow only short-range weapons (archery, shotgun, and muzzleloader) on the Buena Vista Unit.

(ii) Mule deer hunting in the Buena Vista Unit will close the Friday before the opening day of the Oregon Statewide rooster pheasant season.

* * * * *

(q) * * *

(1) * * *

(xi) Hunters must check-in and check-out with a refuge representative and submit a Harvest Report (FWS Form 3–2542) when checking out.

* * * * *

(t) * * *

(1) *Migratory game bird hunting.* We allow hunting of duck and coot on designated areas of the refuge subject to the following conditions:

* * * * *

(viii) Hunters must submit a Harvest Report (FWS Form 3–2542) at the end of each day's hunt.

* * * * *

(u) * * *

(1) *Migratory game bird hunting.* We allow hunting of duck, merganser, goose, and coot on designated areas of the refuge subject to the following conditions:

(i) We allow only portable and temporary hunting blinds.

(ii) You must remove all blinds, decoys, shotshell hulls, and other personal equipment and garbage from the refuge at the end of each day's hunt (see §§ 27.93 and 27.94 of this chapter).

(iii) Hunters may enter the refuge no earlier than 2 hours before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(iv) We allow the use of dogs when hunting.

* * * * *

(3) *Big game hunting.* We allow deer and elk hunting on designated areas of the refuge subject to the following conditions:

(i) You may harvest only antlerless elk.

(ii) We require a refuge permit (FWS Form 3–2439) for hunting elk.

(iii) We prohibit hunting from any refuge structure, observation blind, or boardwalk.

(iv) We allow short-range weapons only. We allow archery hunting only on the William L. Finley and Snag Boat Bend Zone 2 hunt units.

(v) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

* * * * *

■ 28. Amend § 32.57 by revising paragraph (a)(2) to read as follows:

**§ 32.57 Pennsylvania.**

* * * * *

(a) * * *

(2) *Upland game hunting.* We allow hunting of squirrel, grouse, rabbit, pheasant, quail, woodchuck, crow, fox, raccoon, opossum, skunk, weasel, coyote, chukar, and bobcat on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (a)(1)(i) and (iii) of this section apply.

(ii) We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

* * * * *

■ 29. Amend § 32.59 by revising paragraphs (b)(3)(iii), (c)(1)(i), (ii) and (v), and (c)(3) to read as follows:

**§ 32.59 South Carolina.**

* * * * *

(b) * * *

(3) * * *

(iii) Harvested deer, feral hog, or turkey must be checked at the designated check station prior to removal from the refuge. Hunters must complete the Harvest Report (FWS Form 3–2542).

* * * * *

(c) * * *

(1) * * *

(i) We require each hunter to carry at all times while hunting a valid signed, current refuge hunting brochure.

(ii) Each youth hunter (age 15 and younger) must remain within sight and normal voice contact of an assistant, parent, or guardian age 21 or older. Youth hunters must have successfully completed a State-approved hunter education course.

* * * * *

(v) We only allow the use of dogs when migratory game bird hunting.

* * * * *

(3) *Big game hunting.* We allow hunting of white-tailed deer and turkey, and incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) and (ii) of this section apply.

(ii) Only youth hunters may hunt turkey on the refuge.

(iii) Except for the special quota permit hunts, we allow only archery or muzzleloader hunting for deer. During special quota permit hunts, we allow use of centerfire rifles or shotguns. We only allow shotguns for turkey hunts.

(iv) On hunt days, hunters and assistants, parents, or guardians may enter the refuge no earlier than 5 a.m. and must leave the refuge no later than 1 hour after legal sunset. We allow hunting from ½ hour before official sunrise until ½ hour after official sunset.

(v) We require all deer taken during any hunt to be checked at the designated refuge check station before removal from the refuge. In addition, all deer and turkey must be tagged (State-issued).

(vi) The refuge daily bag limit is two antlerless deer and one antlered buck that must have at least three antler points on one side. We define a ''point'' as an antler projection of at least 1 inch (2.5 centimeters) or more in length. The youth turkey hunter bag limit is one male turkey.

(vii) We allow incidental take of feral hog during deer hunts only. There is no size or bag limit on hogs. We may offer special hog hunts during and after deer season to further control this invasive species. We prohibit removal of live hogs from the refuge.

(viii) You must hunt deer from an elevated deer stand. We prohibit shooting big game from a boat.

(ix) All permanently fixed ground blinds are for the mobility-impaired hunt only.

(x) We prohibit crossbows on the archery hunts. We only allow muzzleloading rifles using a single projectile on the muzzleloader hunts. We prohibit buckshot.

(xi) You may use flagging to mark the site of hunter entry from roads or trails and again at the stand site. You may use clothespins with reflective tape between these sites to mark the route to the stand. Hunters must label all such markers with their last name and State hunting license number.

(xii) We require hunters to wear an outer garment visible above the waist that contains a minimum of 500 square inches (3,226 square centimeters) of solid, florescent-orange material at all times during the muzzleloader and mobility-impaired hunts for deer.

(xiii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(xiv) We prohibit accessing hunt units by watercraft.

* * * * *

■ 30. Amend § 32.60 by:

■ a. Revising paragraph (b)(4)(i);

■ b. Adding paragraph (b)(4)(iii); and

■ c. Revising paragraph (h)(4).

The revisions and addition read as follows:

**§ 32.60 South Dakota.**

* * * * *

(b) * * *

(4) * * *

(i) We prohibit the use or possession of live minnows or bait fish.

* * * * *

(iii) We prohibit the use of lead fishing sinkers on all waters of the

refuge except the Little River Recreation Area.

* * * * *

(h) * * *

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) Ice fishing anglers must not be on the ice until 1 hour prior to legal sunrise and must be off the ice by 1 hour after legal sunset.

(ii) Ice fishing anglers must remove ice shacks by 1 hour after legal sunset (see § 27.93 of this chapter).

(iii) We restrict angler foot travel to posted access points, public roads, and lake ice.

(iv) We allow fishing with the use of nonmotorized boats, canoes, and kayaks.

* * * * *

■ 31. Amend § 32.62 by:

■ a. Revising paragraphs (a)(1)(i) and (ii), (e)(1) introductory text, (e)(1)(i), (iii) and (ix);

■ b. Adding paragraphs (e)(1)(x) through (xii);

■ c. Revising paragraph (e)(4)(iii);

■ d. Redesignating paragraph (e)(4)(iv) as paragraph (e)(4)(v);

■ e. Adding new paragraphs (e)(4)(iv) and (g)(2);

■ f. Revising paragraphs (g)(3), (h)(1)(i), (h)(2), (h)(3)(iv), (i)(3)(ii) and (iii);

■ g. Removing paragraph (i)(3)(iv);

■ h. Redesignating paragraphs (i)(3)(v) through (xi) as paragraphs (i)(3)(iv) through (x);

■ i. Revising newly redesignated paragraphs (i)(3)(iv) and (viii);

■ j. Revising paragraphs (i)(4), (j)(1)(i), (k)(1)(ii), (viii) and (xii);

■ k. Redesignating paragraphs (l) through (n) as paragraphs (n) through (p);

■ l. Adding new paragraphs (l) and (m); and

■ m. Revising newly redesignated paragraphs (n)(4)(ii), (o)(1)(ii), (o)(4)(iii), (p)(2)(i) through (iii), (p)(3)(i) and (ii).

The revisions and additions read as follows:

**§ 32.62 Texas.**

* * * * *

(a) * * *

(1) * * *

(i) You must carry a current signed refuge hunting permit (signed refuge hunt brochure) while waterfowl hunting on all refuge hunt units.

(ii) Season dates for waterfowl will be concurrent with the State, except as specified in the refuge hunt brochure.

* * * * *

(e) * * *

(1) *Migratory game bird hunting.* We allow hunting of goose, duck, coot, merganser, mourning dove, white-winged dove, Eurasian collared-dove, and rock pigeon on designated areas of the refuge subject to the following conditions:

(i) Season dates will be concurrent with the State for the September teal season; youth-only season; duck, coot, and merganser regular season in the Texas South Zone; goose regular season in the Texas East Zone; and dove and pigeon season in the Texas South Zone, including special white-winged dove days, except that we prohibit duck (not including the September teal and youth-only seasons), coot, and merganser hunting on the refuge until the last Saturday in October. If the State-specified duck, coot, and merganser regular season opens later than the last Saturday in October, then hunting on the refuge will open consistent with the State-specified season date.

* * * * *

(iii) Hunters may enter the refuge waterfowl hunt units no earlier than 4 a.m. Hunting starts at the designated legal shooting time and ends at 12 p.m. (noon). Hunters must leave refuge hunt units by 1 p.m.

* * * * *

(ix) You may access hunt units from land by foot or nonmotorized conveyance from designated parking areas and turn-arounds. You may access public waterfowl hunting areas by motorized boat from State waters, where applicable.

(x) Hunters may enter the refuge dove/pigeon hunt units no earlier than 30 minutes prior to designated legal shooting time and leave refuge hunt units no later than 30 minutes after legal sunset.

(xi) Hunting dove and pigeon in the Farm Field Unit is only allowed after early teal season and will close before the beginning of general duck season in October.

(xii) Hunters must possess a signed brochure on their person while hunting on the refuge.

* * * * *

(4) * * *

(iii) We prohibit the use of trotlines, sail lines, set lines, jugs, gigs, spears, bush hooks, snatch hooks, crossbows, noodling, or bows and arrows of any type.

(iv) Anglers age 17 and older fishing in Cannan Bend Recreation Area must possess a day or annual fishing pass and a signed fishing brochure on their person.

* * * * *

(g) * * *

(2) *Upland game hunting.* We allow the hunting of Eastern gray and fox squirrel on designated areas of the refuge subject to the following conditions:

(i) Squirrel hunting on the refuge will open with the close of the white-tailed deer season in January and close February 28. The season will reopen from May 1 through May 31.

(ii) Hunters must possess and carry a signed refuge hunt brochure while hunting.

(iii) We allow the use of shotgun only.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The refuge will determine season dates and bag limits.

(ii) The condition set forth at paragraph (g)(2)(ii) of this section applies.

(iii) Hunters age 17 and younger must be under the direct supervision of an adult age 18 or older.

(iv) You may hunt feral hog during any established white-tailed deer refuge hunting season. You must obtain and possess a refuge signed hunt brochure and may only use legal weapons for the current hunting season.

(v) We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.

(vi) You may participate in the refuge firearms drawn deer hunt only with a Texas Parks and Wildlife Department-drawn hunt permit.

(vii) We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

(viii) We allow all-terrain vehicles for medically documented disabled hunters by Special Use Permit (FWS Form 3–1383–G only).

* * * * *

(h) * * *

(1) * * *

(i) You must possess and carry a signed refuge hunt brochure.

* * * * *

(2) *Upland game hunting.* We allow hunting of fox squirrel and Eastern cottontail rabbit in the months of January, February, and September on designated areas of the refuge and subject to the following condition: The conditions set forth at paragraphs (h)(1)(i) through (vii) of this section apply.

(3) * * *

(iv) We allow muzzleloaders, bow and arrow, and shotguns only for feral hog and spring turkey hunts. You may possess only lead-free, approved

nontoxic (steel, bismuth, copper, or tungsten; see § 32.2(k)) bullets, slugs, and shot (00 buck for hogs, no shell larger than #4 shot size for turkey).

* * * * *

(i) * * *

(3) * * *

(ii) We require hunters to attend refuge hunter orientation before hunting on the refuge. We require each hunter to obtain and carry with them a signed and dated refuge hunt brochure in addition to the State hunt permit.

(iii) Bag limits for species hunted on the refuge are provided in the refuge hunt brochure annually.

(iv) We allow a scouting period prior to the commencement of each refuge hunt period. A permitted hunter and a limit of two non-permitted individuals may enter the hunt units during the scouting period, which begins after hunter orientation and ends at legal sunset. Each hunter must clearly display a Vehicle Validation Tag (FWS Form 3–2405) face up on the vehicle dashboard when scouting and hunting.

* * * * *

(viii) During American alligator hunts, we allow hunters to leave hooks set over only one night period at a time; set lines must be checked daily.

* * * * *

(4) *Sport fishing.* We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

(i) We allow only pole and line, rod and reel, hand line, dip net, and cast net for fishing. We prohibit the use of crab traps or pots for crabbing.

(ii) Anglers must attend all fishing lines, crabbing equipment, and other fishing devices at all times.

(iii) Inside the refuge boundary on San Martin Lake, we allow bank and wade fishing within a designated area, which may be accessed only on foot.

(j) * * *

(1) * * *

(i) We require hunters to obtain a refuge hunt permit (signed refuge hunt brochure) and to possess and carry that signed refuge hunt brochure at all times during the designated hunt period. Hunters must also display the vehicle placard (part of the refuge hunt permit) while participating in the designated hunt period.

* * * * *

(k) * * *

(1) * * *

(ii) You must possess and carry a current signed refuge hunting permit (signed refuge hunt brochure) while hunting on all units of the refuge.

* * * * *

(viii) We only allow hunting in the Spaced Hunt Units on Saturdays, Sundays, and Tuesdays of the regular waterfowl season. We allow a maximum of four hunters per area. Hunters must possess and carry Special Fee Area Permits (signed refuge hunt brochure) while hunting.

* * * * *

(xii) We require a minimum distance between hunt parties, and between hunters and drivable roads and buildings, of 200 yards (183 meters).

* * * * *

(l) *Muleshoe National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of mourning dove, white-winged dove, and Eurasian collared-dove on designated areas of the refuge subject to the following conditions:

(i) Hunters must possess and carry a signed refuge hunt brochure while hunting.

(ii) During the dove season set by the State of Texas, we limit hunting to no more than 6 days with a maximum of 12 hunters per season.

(iii) We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon).

(iv) We require hunters to check in and out at refuge headquarters.

(v) Hunters must exit the refuge no later than 45 minutes after legal sunset, unless they are camping in a designated camping area. From 45 minutes after legal sunset until 30 minutes before legal sunrise, we prohibit hunters in all areas of the refuge except designated camping areas.

(vi) We allow the use of dogs when hunting.

(vii) We only allow shotguns.

(2) *Upland game hunting.* We allow the hunting of Northern bobwhite and scaled (blue) quail on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), and (iv) through (vii) of this section apply.

(ii) During the first 2 weeks of the quail season set by the State of Texas, we limit hunting to no more than 6 days with a maximum of 12 hunters per season.

(iii) We allow hunting from 8:30 a.m. to 4:30 p.m.

(3) *Big game hunting.* We allow the hunting of white-tailed deer and mule deer, and the incidental take of feral hog, on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (l)(1)(i), (iv), and (v) of this section apply.

(ii) Between October and January, we limit hunting to no more than 20 days with a maximum of 8 hunters per season.

(iii) You may use only high-powered rifles of .242/6mm caliber or larger and archery equipment to hunt big game on the refuge.

(4) [Reserved]

(m) *Neches River National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of ducks, coot, and merganser on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 4:30 a.m. We allow hunting from the State-designated legal shooting time until 12 p.m. (noon). Hunters must leave refuge hunt units by 1 p.m.

(ii) In Dead Water unit only, we allow the use of floating craft and motor boats, but only if they are propelled by paddling, push pole, or electric trolling motor.

(iii) We prohibit hunting within 50 yards (45 meters) of any road or trail, and within 200 yards (183 meters) of any building.

(iv) We require each hunter to obtain and carry with them a signed refuge hunt brochure in addition to the State hunt permit.

(v) You must remove all boats, blinds, temporary blinds, stands decoys, and other personal equipment following each hunt day (see §§ 27.93 and 27.94 of this chapter).

(vi) We allow the use of dogs when hunting.

(2) *Upland game hunting.* We allow hunting of Eastern gray and fox squirrel, cottontail and swamp rabbit, raccoon, beaver, and coyote subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii), (iv), and (vi) of this section apply.

(ii) We allow incidental take of beaver and coyote during any refuge hunt with the weapons legal for that hunt, subject to applicable State seasons and regulations.

(iii) We allow the hunting of raccoon and coyote from legal sunset to legal sunrise. We allow artificial lighting for hunting raccoon and coyote.

(iv) We require that refuge hunters turn in the Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt.

(v) We allow squirrel, rabbit, and raccoon hunting on the refuge from October 1 to 23.

(3) *Big game hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (m)(1)(iii) and (iv) of this section apply.

(ii) We allow incidental take of feral hog during any refuge hunt with the

weapons legal for that hunt, subject to applicable State seasons and regulations.

(iii) We require a Harvest Report (FWS Form 3–2542) within 2 weeks of the end of your hunt. Failure to submit the Harvest Report will render the hunter ineligible for the next year's hunt.

(iv) We require a minimum distance between hunt parties of 150 yards (137 meters).

(v) We prohibit the use of dogs when feral hog hunting.

(4) [Reserved]

(n) * * *

(4) * * *

(ii) The condition set forth at paragraph (n)(1)(v) of this section applies.

* * * * *

(o) * * *

(1) * * *

(ii) You must possess and carry a current signed refuge hunting permit (signed refuge hunt brochure) while hunting on all hunt units of the refuge.

* * * * *

(4) * * *

(iii) The conditions set forth at paragraphs (o)(1)(vi) and (vii) of this section apply.

* * * * *

(p) * * *

(2) * * *

(i) We require hunters to possess a refuge permit (signed refuge hunt brochure). The hunter must carry the nontransferable permit at all times while hunting.

(ii) We require that refuge hunters turn in the Harvest Report (FWS Form 3–2542) by the date specified on the permit. Failure to submit the report will render the hunter ineligible for the next year's limited upland game hunt.

(iii) The condition set forth at paragraph (p)(1)(v) of this section applies.

* * * * *

(3) * * *

(i) We require a refuge permit (signed refuge hunt brochure) and Harvest Report (FWS Form 3–2542). Hunters must turn in both forms by the date specified on the permit. Failure to submit the Harvest Report will render the hunter ineligible for the next year's limited big game hunt. Drawings are by lottery. The hunter must carry the nontransferable permit at all times while hunting.

(ii) The conditions set forth at paragraphs (p)(1)(v) and (p)(2)(iv) through (vii) of this section apply.

* * * * *

■ 32. Amend § 32.63 by revising paragraphs (c)(1) introductory text and (c)(3) introductory text to read as follows:

**§ 32.63 Utah.**

* * * * *

(c) * * *

(1) *Migratory game bird hunting.* We allow hunting of duck, coot, sandhill crane, and goose on designated areas of the refuge subject to the following condition: During hunting season, the refuge is open from 1½ hours before legal sunrise to 1½ hours after legal sunset.

* * * * *

(3) *Big game hunting.* We allow hunting of deer, pronghorn, and elk on designated areas of the refuge subject to the following conditions:

* * * * *

■ 33. Revise § 32.64 to read as follows:

**§ 32.64 Vermont.**

The following refuge units are open for hunting and/or fishing as governed by applicable Federal and State regulations, and are listed in alphabetical order with additional refuge-specific regulations.

(a) *Missisquoi National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of goose, duck, brant, merganser, coot, woodcock, and snipe on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We require the use of dogs for hunting waterfowl in the Maquam Swamp, Long Marsh Channel/Metcalfe Island, and Saxes Pothole/Creek and Shad Island Pothole areas.

(iii) We prohibit blind staking and unattended decoys.

(iv) In the controlled waterfowl hunting areas:

(A) Hunters must possess a refuge permit (FWS Form 3–2439).

(B) Hunters may only hunt within 100 feet (30 meters) of a numbered stake placed by the refuge staff.

(v) In the Delta Lakeshore Area, we prohibit jumpshooting within 200 yards (183 meters) of a party hunting from a boat or blind.

(vi) In the Maquam Shore Area:

(A) We do not require a refuge permit to hunt or scout in this area.

(B) We prohibit jumpshooting within 200 yards (183 meters) of a party hunting from a boat or blind.

(vii) In the Saxes Pothole/Creek and Shad Island Pothole, each hunting party must possess and carry a permit (FWS Form 3–2439) for the specific zone on the specific day they are hunting in this area. Permits are not transferable.

(viii) In the Junior Waterfowl Hunting Area:

(A) Each junior hunter must possess and carry a permit (FWS Form 3–2439) for the assigned blind site and day. On Mentor Day, mentors must also possess and carry this permit for the assigned blind site. Each adult hunting party must possess and carry a permit for the blind site and day they are hunting. Permits are not transferable.

(B) Shooting hours end at 11 a.m.

(ix) In the Long Marsh Channel and Metcalfe Island:

(A) We limit hunting to Tuesdays, Thursdays, and Saturdays throughout the waterfowl hunting season for duck.

(B) Each hunting party must possess and carry a permit for the blind on the specific day they are hunting in this area. Permits are not transferable.

(C) Shooting hours end at 11 a.m.

(D) We close this area to waterfowl hunting during split seasons when geese are the only waterfowl that hunters may legally take.

(2) *Upland game hunting.* We allow hunting of cottontail rabbit, snowshoe hare, ruffed grouse, gray squirrel, coyote, red fox, gray fox, skunk, raccoon, weasel, and opossum on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (a)(1)(i) of this section applies.

(ii) Prior to hunting, you must obtain from refuge headquarters and sign a current refuge hunt brochure (signed brochure). You must possess the signed refuge hunt brochure at all times while hunting, and you must hold a valid State hunting license.

(iii) You may use only shotguns, muzzleloaders, or archery equipment on open areas east and north of Vermont Route 78, east of the Missisquoi River, and on Shad Island.

(iv) We prohibit hunting from the end of the State snowshoe hare and rabbit season (early March) until September 1.

(v) On the Eagle Point Unit, the conditions set forth at paragraphs (a)(2)(i) through (iii) of this section do not apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer, moose, bear, and turkey on designated areas of the refuge subject to the following conditions:

(i) Prior to hunting, you must obtain from refuge headquarters and sign a current refuge hunt brochure (signed brochure). You must possess the signed refuge hunt brochure at all times while hunting, and you must hold a valid State hunting license.

(ii) You may use only shotguns, muzzleloaders, or archery equipment on open areas east and north of Vermont Route 78, east of the Missisquoi River.

We prohibit rifles in these areas at any time.

(iii) You may use portable tree stands as governed by State regulations guiding their use on State wildlife management areas with the following exception: We allow only one tree stand or ground blind for each permit holder.

(iv) On the Eagle Point Unit, we allow hunting subject to the following conditions:

(A) You may use portable tree stands as governed by State regulations guiding their use on State wildlife management areas.

(B) We allow training of dogs during the regular hunting seasons as governed by State regulations. We allow dog training outside the regular hunting seasons (*i.e.,* from June 1 through July 31) only with a Special Use Permit (FWS Form 3–1383–G).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow sport fishing (including bow fishing) by boat and ice fishing in designated areas with the following exceptions:

(A) We close the following areas year-round: Goose Bay, Saxes Creek and Pothole, Metcalfe Island Pothole, Long Marsh Channel, and Clark Marsh.

(B) We close the following areas from Labor Day to December 31: Long Marsh Bay and Long Marsh Channel.

(ii) We allow bank fishing along designated areas of Charcoal Creek.

(iii) We prohibit taking fish with firearms.

(iv) We prohibit boat launching on the refuge with the following exceptions: We allow launching from Louie's Landing year-round, and from Mac's Bend boat launch area from September through December (inclusive).

(b) *Silvio O. Conte National Fish and Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, crow, snipe, and American woodcock on designated areas of the refuge subject to the following conditions:

(i) We allow disabled hunters to hunt from a vehicle that is at least 10 feet from the traveled portion of the refuge road if the hunter possesses a State-issued disabled hunting license and a Special Use Permit (FWS Form 3–1383–G) issued by the refuge manager.

(ii) We allow the use of dogs consistent with State regulations.

(2) *Upland game hunting.* We allow hunting of coyote, fox, raccoon, bobcat, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, snowshoe hare, eastern cottontail, muskrat, opossum, weasel, pheasant, and ruffed grouse on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (ii) of this section apply.

(ii) We prohibit shooting from, over, or within 10 feet of the traveled portion of any road.

(iii) We require hunters hunting at night to possess a Special Use Permit (FWS Form 3–1383–G) issued by the refuge manager.

(3) *Big game hunting.* We allow hunting of white-tailed deer, moose, black bear, and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (b)(2)(ii) of this section apply.

(ii) You may use portable tree stands and/or blinds. You must clearly label your tree stand(s) and/or blind(s) with your hunting license number. You must remove your tree stand(s) and/or blind(s) no later than 72 hours after the close of the season (see § 27.93 of this chapter).

(iii) You may retrieve moose at the Nulhegan Basin Division with the use of a commercial moose hauler, if the hauler possesses a Special Use Permit (FWS Form 3–1383–C) issued by the refuge manager.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge consistent with State regulations.

■ 34. Amend § 32.65 by:

■ a. Revising paragraph (c);

■ b. Adding paragraph (d)(4);

■ c. Revising paragraphs (e) through (k);

■ d. Redesignating paragraph (l) as (n); and

■ e. Adding new paragraphs (l) and (m).

The revisions and additions read as follows:

**§ 32.65 Virginia.**

* * * * *

(c) *Eastern Shore of Virginia National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule/moorhen, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow holders of a signed hunt brochure (signed brochure) to access areas of the refuge typically closed to the non-hunting public. All occupants of a vehicle or hunt party must possess a signed brochure and be actively engaged in hunting. We allow an exception for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

(ii) Hunters may enter the refuge no earlier than 2 hours prior to legal sunrise and must exit the refuge no later than 2 hours after legal sunset.

(iii) In the Firearms Units only, we allow the use of dogs consistent with State and Northampton County regulations.

(iv) We allow hunting on the refuge only from September 1 until February 28. Hunting will follow State seasons during that period.

(v) We allow migratory bird hunting with archery and firearms in the designated Firearms Units on the refuge in accordance with State and County regulations.

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, quail, raccoon, opossum, fox, coyote, and other nuisance species (groundhog, European starling, English sparrow, and pigeon) on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i) through (iv) of this section apply.

(ii) We allow the use of archery tackle, as defined by the State, in designated Archery and Firearms Units.

(iii) We allow the use of firearms in accordance with State and Northampton County regulations in the designated Firearms Units only.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv), and (c)(2)(ii) and (iii) of this section apply.

(ii) We allow turkey hunting during the spring season only for a mentor-led hunt.

(iii) We require the use of nontoxic ammunition when hunting turkey in the Firearms Units.

(iv) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(v) You may not hunt, discharge a firearm, or nock an arrow or crossbow bolt outside of the designated hunting areas.

(vi) We allow the use of portable tree stands and require removal of the stands after each day's hunt (see § 27.93 of this chapter).

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Anglers may access the refuge to fish from shore on the Bull Tract and

Skidmore Island from ½ hour before legal sunrise to ½ hour after legal sunset.

(ii) Anglers may access State waters via the Wise Point Boat Ramp on the refuge from 5 a.m. to 10 p.m.

(d) * * *

(4) *Sport fishing.* We allow freshwater fishing in designated areas of the refuge subject to the following conditions:

(i) We allow fishing from nonmotorized boats only.

(ii) We prohibit the use of lead fishing tackle.

(e) *Featherstone National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We limit boat access to nonmotorized boats only in Farm Creek Unit. We allow motorized boat access in Neabsco Creek Unit.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (e)(1)(ii) of this section applies.

(ii) We prohibit the use of lead fishing tackle.

(f) *Fisherman Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of waterfowl, rail, snipe, gallinule/moorhen, coot, woodcock, dove, and crow on designated areas of the refuge subject to the following conditions:

(i) We allow the use of dogs consistent with State regulations.

(ii) We require hunters to possess and carry a signed refuge hunt brochure when hunting.

(iii) We allow hunting and hunter access by boat only. We prohibit hunting from land. Retrieval dogs may retrieve fallen game on shore.

(iv) We allow hunting on the refuge from September 1 until February 28. Hunting will follow State seasons during that period.

(v) Hunters may enter the refuge 2 hours before legal sunrise and must exit the refuge no later than 2 hours after legal sunset.

(2)–(4) [Reserved]

(g) *Great Dismal Swamp National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of gray squirrel and coyote on designated areas of the refuge subject to the following conditions:

(i) We allow hunting on Thursdays, Fridays, and Saturdays only.

(ii) You must possess and carry a signed refuge permit (FWS Form 3–2439).

(3) *Big game hunting.* We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (g)(2)(i) and (ii) of this section apply.

(ii) We require the use of nontoxic ammunition for hunting wild turkey.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing in Lake Drummond from a boat (maximum 25 horsepower) and from the piers at Washington Ditch Road and Interior Ditch Road.

(ii) We prohibit fishing from the ditch banks on the refuge.

(iii) We require a Special Use Permit (FWS Form 3–1383–G) for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond.

(h) *James River National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of rabbit, squirrel, and coyote on designated areas of the refuge subject to the following conditions:

(i) We only allow the hunting and take of coyote concurrently during the refuge deer hunting season.

(ii) We allow rabbit and squirrel hunting only during the mentor-led hunt.

(iii) We prohibit the use of pursuit dogs.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (h)(2)(iii) of this section applies.

(ii) We require spring turkey hunters to possess and carry a refuge hunting permit (FWS Form 3–2439).

(iii) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(iv) We require the use of nontoxic ammunition when hunting spring wild turkey.

(v) Hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 meters) or more above the ground.

(vi) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iii) We prohibit the use of lead fishing tackle.

(iv) We prohibit the use of minnows as bait.

(i) *Mackay Island National Wildlife Refuge.* Refer to § 32.52(e) for regulations.

(j) *Occoquan Bay National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of coyote and fox on designated areas of the refuge subject to the following condition: We only allow the incidental take of coyote and fox during the refuge deer hunting season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) With the exception of mentored hunt participants, white-tailed deer hunters must possess and carry a signed refuge permit (FWS Form 3–2439) and be selected in the refuge lottery to hunt.

(ii) We only allow shotguns with slugs during the firearm season.

(iii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) We prohibit the use of pursuit dogs when hunting deer.

(v) We require the use of nontoxic ammunition when hunting wild turkey.

(vi) Hunters must certify and qualify weapons and ammunition at a refuge-approved range and view the refuge orientation session online prior to issuance of a refuge permit (FWS Form 3–2439).

(vii) Wild turkey hunting is a mentor-led hunt only.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow boat access by nonmotorized boats only.

(ii) We prohibit the use of lead fishing tackle.

(k) *Plum Tree Island National Wildlife Refuge*—(1) *Migratory game bird hunting.* We allow hunting of migratory waterfowl and coot on designated areas of the refuge subject to the following conditions:

(i) You must hunt from a designated refuge blind.

(ii) We allow the use of dogs consistent with State regulations.

(2)–(3) [Reserved]

(4) *Sport fishing.* We allow fishing in designated areas of the refuge subject to the following conditions:

(i) We allow fishing access April 1 through August 31, from legal sunrise to legal sunset.

(ii) We prohibit shoreline fishing. We allow fishing only from boats untethered to refuge lands, or from designated blinds.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of lead fishing tackle.

(l) *Presquile National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of coyote on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 2 hours prior to the start of legal shooting time and must exit the refuge no later than 2 hours after the end of legal shooting time.

(ii) We only allow the hunting and take of coyote concurrently during the refuge deer hunting season.

(iii) We require hunters to dock their boats at designated locations on the refuge.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (l)(2)(iii) of this section applies.

(ii) We prohibit the use of pursuit dogs when hunting white-tailed deer.

(iii) We require big game hunters to obtain a permit through a lottery administered by a third-party contractor.

(iv) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) We prohibit bank fishing. We allow fishing only from boats untethered to refuge lands.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of minnows as bait.

(v) We prohibit the use of lead fishing tackle.

(m) *Rappahannock River Valley National Wildlife Refuge.* (1) [Reserved]

(2) *Upland game hunting.* We allow hunting of coyote, rabbit, and squirrel on designated areas of the refuge subject to the following conditions:

(i) We prohibit the use of pursuit dogs.

(ii) We only allow the hunting and take of coyote concurrently during the refuge deer hunting season.

(3) *Big game hunting.* We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge subject to the following conditions:

(i) The condition set forth at paragraph (m)(2)(i) of this section applies.

(ii) We require the use of nontoxic ammunition when hunting spring wild turkey.

(iii) In designated areas and for the spring turkey hunt, we require hunters to possess and carry a refuge hunting permit (FWS Form 3–2439).

(iv) Hunters may enter the refuge no earlier than 1 hour prior to the start of legal shooting time and must exit the refuge no later than 1 hour after the end of legal shooting time.

(v) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) We allow fishing access each day from legal sunrise to legal sunset.

(ii) During the period when the refuge is open for hunting, we may close hunting areas to all other uses, including sport fishing.

(iii) We allow fishing only by use of one or more attended poles with hook and line attached. We prohibit all other fishing methods and means.

(iv) We prohibit the use of lead fishing tackle in freshwater ponds, including Wilna Pond and Laurel Grove Pond.

(v) We require catch-and-release fishing for largemouth bass in freshwater ponds, including Wilna Pond and Laurel Grove Pond. Anglers may take other finfish species as governed by State regulations.

(vi) We prohibit the use of minnows as bait.

(vii) We prohibit the use of boats propelled by gasoline motors, sail, or mechanically operated paddle wheel while fishing.

* * * * *

■ 35. Amend § 32.66 by revising paragraphs (f)(3)(v), (i)(1)(iv), (x) and (xi) to read as follows:

**§ 32.66 Washington.**

* * * * *

(f) * * *

(3) * * *

(v) We require hunters to sign in and out each day at the refuge headquarters. When signing out for the day, you must report hunting success or failure, and any hit-but-not-retrieved animals on the Harvest Report (FWS Form 3–2542).

* * * * *

(i) * * *

(1) * * *

(iv) Prior to entering the hunt area, you must check in at the refuge check station, and obtain a Harvest Report (FWS Form 3–2542). You must carry the Harvest Report while hunting as proof of blind assignment and user fee payment.

* * * * *

(x) Prior to switching blinds, you must first report to the refuge check station to obtain a new blind assignment. You must submit an accurate Harvest Report (FWS Form 3–2542) for the blind being vacated, and obtain a new Harvest Report for the new blind.

(xi) Prior to leaving the hunt area, you must check out at the refuge check station, submit an accurate Harvest Report (FWS Form 3–2542), and present all harvested birds for inspection by check station personnel.

* * * * *

■ 36. Amend § 32.67 by revising paragraphs (b)(2) and (3) to read as follows:

**§ 32.67 West Virginia.**

* * * * *

(b) * * *

(2) *Upland game hunting.* We allow hunting of squirrel, Eastern cottontail rabbit, red and gray fox, coyote, bobcat, opossum, raccoon, skunk, woodchuck, weasel, ruffed grouse, quail, pheasant, and crow on designated areas of the refuge subject to the following condition: The conditions set forth at paragraphs (b)(1)(i) through (iii) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer, wild turkey, and black bear on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (b)(1)(i) and (ii) of this section apply.

(ii) We only allow the use of archery equipment.

(iii) We prohibit organized deer drives. We define a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

(iv) You must label portable tree stands with your last name and State license number. You may erect your stand(s) on the first day of the hunting season. You must remove your stand(s) by the last day of the hunting season (see § 27.93 of this chapter).

* * * * *

■ 37. Amend § 32.68 by:

■ a. Revising paragraphs (c) and (f)(1);

■ b. Adding paragraph (f)(2)(vi); and

■ c. Revising paragraph (f)(3) and (4).

The revisions and addition read as follows:

**§ 32.68 Wisconsin.**

* * * * *

(c) *Hackmatack National Wildlife Refuge.* Refer to § 32.32(f) for regulations.

* * * * *

(f) * * *

(1) *Migratory game bird hunting.* We allow hunting of duck, goose, coot, merganser, dove, moorhen/gallinule, rail, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

(i) Hunters may enter the refuge no earlier than 1 hour before legal shooting hours and must exit the refuge no later than 1 hour after legal shooting hours.

(ii) You must remove all boats, decoys, blinds, blind materials, stands, platforms, and other hunting equipment (see §§ 27.93 and 27.94 of this chapter) brought onto the refuge at the end of each day's hunt.

(iii) We allow the use of dogs while hunting, provided the dog is under the immediate control of the hunter at all times.

(iv) We prohibit hunting or shooting within 50 feet (15 meters (m)) of the centerline of all public roads, service roads, and trails, and around parking lots. It is considered hunting if you have a loaded weapon, if you have a nocked arrow while bow hunting, or if you are in an elevated tree stand or ground blind with a means to take, within these areas.

(2) * * *

(vi) The conditions set forth at paragraphs (f)(1)(i), (ii), and (iv) of this section apply.

(3) *Big game hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

(i) The conditions set forth at paragraphs (f)(1)(i) and (iv) of this section apply.

(ii) You may use portable elevated devices, but you must lower them to ground level at the close of shooting hours each day. You must remove all blinds, stands, platforms, and ladders from the refuge at the end of the hunting season (see §§ 27.93 and 27.94 of this chapter).

(iii) You must clearly mark all non-natural blinds, stands, platforms, and ladders on the exterior with the hunter's Wisconsin Department of Natural Resources customer identification number.

(iv) We open Refuge Area 2 to deer hunting during the State archery, gun, and muzzleloader seasons, except that we close Refuge Area 2 to deer hunting during any early State antlerless-only hunts.

(v) We open Refuge Area 3 to deer hunting during the State regular gun, muzzleloader, and late archery seasons. Unarmed deer hunters may enter Refuge Area 3 to scout beginning the Saturday prior to the gun deer season.

(vi) You must remove flagging used during hunting by the close of the archery deer season (see §§ 27.93 and 27.94 of this chapter).

(vii) Any ground blind used during any gun deer season must display at least 144 square inches (929 square centimeters) of solid-blaze-orange or fluorescent pink material visible from all directions.

(4) *Sport fishing.* We allow sport fishing on designated areas of the refuge subject to the following conditions:

(i) Fishingareas are open from 30 minutes prior to legal sunrise to 30 minutes after legal sunset duringrefuge-specificseasons.

(ii)We allow use of nonmotorized boats in Sprague-Goose pools only when we open these pools to fishing.

(iii) We allow motorized boats in Suk Cerney Pool.

(iv) We allow fishing by hook and line only.

(v) We prohibit the taking of any mussel (clam), crayfish, frog, leech, or turtle species by any method on the refuge (see § 27.21 of this chapter).

* * * * *

■ 38. Amend § 32.69 by revising paragraph (d)(3) to read as follows:

**§ 32.69 Wyoming.**

* * * * *

(d) * * *

(3) *Big game hunting.* We allow hunting of elk, pronghorn, white-tailed deer, and bison on designated areas of the refuge subject to the following conditions:

(i) We require refuge permits (issued by State of Wyoming).

(ii) We prohibit shooting from or across refuge roads and parking areas.

(iii) We allow hunting of pronghorn with a firearm in Pronghorn Hunt Area 1 from September 10 through October 31, and in Pronghorn Hunt Area 2 from October 1 through 31.

(iv) We allow archery hunting of pronghorn in Pronghorn Hunt Area 1 in accordance with State seasons and regulations.

(v) We allow hunting of white-tailed deer with a firearm in the White-tailed Deer Hunt Area from September 15 through October 30.

(vi) We allow archery hunting of white-tailed deer in the White-tailed Deer Hunt Area in accordance with State seasons and regulations.

(vii) The refuge hunt brochure will specify the type of ammunition approved for hunting on the refuge.

* * * * *

## SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

## PART 71—HUNTING AND SPORT FISHING ON NATIONAL FISH HATCHERIES

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

**Authority:** Sec. 4, Pub. L. 73–121, 48 Stat. 402, as amended; sec. 4, Pub. L. 87–714, 76 Stat. 654; 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 1534.

**§ 71.11 [Amended]**

■ 40. Amend § 71.11 by:

■ a. In paragraph (c)(4), removing the words ''§ 71.12(k)'' and adding in their place the words ''§ 71.12(l)'';

■ b. In paragraph (d)(4), removing the words ''§ 71.12(l)'' and adding in their place the words ''§ 71.12(m)'';

■ c. In paragraph (e)(4), removing the words ''§ 71.12(m)'' and adding in their place the words ''§ 71.12(n)''; and

■ d. In paragraph (g)(4), removing the words ''§ 71.12(o)'' and adding in their place the words ''§ 71.12(p)''.

■ 41. Amend § 71.12 by:

■ a. Redesignating paragraphs (g) through (r) as paragraphs (h) through (s); and

■ b. Adding a new paragraph (g).

The addition reads as follows:

**§ 71.12 National fish hatcheries open for sport fishing.**

* * * * *

(g) *Green Lake National Fish Hatchery.* We allow sport fishing on designated areas of the hatchery.

* * * * *

**Shannon A. Estenoz,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2021–08013 Filed 5–3–21; 8:45 am]

**BILLING CODE 4333–15–P**

# Reader Aids

**Federal Register**

Vol. 86, No. 84

Tuesday, May 4, 2021

## CUSTOMER SERVICE AND INFORMATION

| | |
|---|---|
| **Federal Register/Code of Federal Regulations** | |
| General Information, indexes and other finding aids | **202–741–6000** |
| **Laws** | **741–6000** |
| **Presidential Documents** | |
| Executive orders and proclamations | **741–6000** |
| **The United States Government Manual** | **741–6000** |
| **Other Services** | |
| Electronic and on-line services (voice) | **741–6020** |
| Privacy Act Compilation | **741–6050** |

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, MAY

23237–23576 ..... 3
23577–23842 ..... 4

## CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**6 CFR**
37 ..... 23237

**10 CFR**
**Proposed Rules:**
430 ..... 23635

**11 CFR**
**Proposed Rules:**
113 ..... 23300

**12 CFR**
1242 ..... 23577

**14 CFR**
13 ..... 23241
39 ..... 23593, 23595, 23599
244 ..... 23260
259 ..... 23260
383 ..... 23241
406 ..... 23241
**Proposed Rules:**
39 ..... 23301

**15 CFR**
Ch. XV ..... 23271

**19 CFR**
Ch. I ..... 23277

**21 CFR**
1308 ..... 23602

**30 CFR**
250 ..... 23606

**33 CFR**
100 ..... 23608
117 ..... 23278, 23609
165 ..... 23279, 23611, 23613
401 ..... 23241
**Proposed Rules:**
117 ..... 23639

**34 CFR**
**Proposed Rules:**
Ch. II ..... 23304

**40 CFR**
**Proposed Rules:**
81 ..... 23309

**42 CFR**
510 ..... 23496

**46 CFR**
221 ..... 23241
307 ..... 23241
340 ..... 23241
356 ..... 23241

**47 CFR**
2 ..... 23281, 23614
15 ..... 23281
20 ..... 23614
68 ..... 23614
90 ..... 23281
95 ..... 23281
**Proposed Rules:**
15 ..... 23323
73 ..... 23340
90 ..... 23323
95 ..... 23323

**49 CFR**
107 ..... 23241
171 ..... 23241
190 ..... 23241
209 ..... 23241
213 ..... 23241
214 ..... 23241
215 ..... 23241
216 ..... 23241
217 ..... 23241
218 ..... 23241
219 ..... 23241
220 ..... 23241
221 ..... 23241
222 ..... 23241
223 ..... 23241
224 ..... 23241
225 ..... 23241
227 ..... 23241
228 ..... 23241
229 ..... 23241
230 ..... 23241
231 ..... 23241
233 ..... 23241
234 ..... 23241
235 ..... 23241
236 ..... 23241
237 ..... 23241
238 ..... 23241
239 ..... 23241
240 ..... 23241
241 ..... 23241
242 ..... 23241
243 ..... 23241
244 ..... 23241
272 ..... 23241
386 ..... 23241
578 ..... 23241
1570 ..... 23629
1582 ..... 23629

**50 CFR**
648 ..... 23633
**Proposed Rules:**
20 ..... 23641
32 ..... 23794
71 ..... 23794
224 ..... 23657
660 ..... 23659

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List April 27, 2021**

## Public Laws Electronic Notification Service (PENS)

**PENS** is a free email notification service of newly enacted public laws. To subscribe, go to *https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1*

**Note:** This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.