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Presidential Documents

Title 3—

The President

Presidential Determination No. 2021–06 of May 3, 2021

Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021

Memorandum for the Secretary of State

In Executive Order 14013 of February 4, 2021 (Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration), I directed numerous actions to rebuild, expand, and improve the United States Refugee Admissions Program (USRAP). On February 12, 2021, the Department of State submitted a report to certain congressional committees and, with the Department of Homeland Security and the Department of Health and Human Services, consulted with the Congress regarding a proposal to re-allocate admissions among refugees of humanitarian concern and to increase Fiscal Year (FY) 2021 refugee admissions from 15,000 refugees to 62,500 refugees due to an unforeseen emergency refugee situation in countries around the globe since the signing of Presidential Determination 2021–02 on October 27, 2020 (Presidential Determination on Refugee Admissions for Fiscal Year 2021) (PD 2021–02).

In Presidential Determination 2021–05 of April 16, 2021 (Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021) (PD 2021–05), I changed the allocation of admissions in PD 2021–02 based on a determination that new allocations were necessary to respond to the unforeseen emergency refugee situation. Based on this change, USRAP partners are beginning travel preparations for more than 2,000 refugees who were excluded under PD 2021–02, but who can now be admitted to the United States.

In PD 2021–05, I did not change the pre-existing number of refugee admissions permitted for FY 2021, which remained at 15,000. I also stated that I would consider raising the worldwide refugee admissions ceiling before the end of FY 2021, should the pre-existing level be reached and the emergency refugee situation persist. When I signed PD 2021–05, my intent was to adjust only the allocation of admissions and to address the appropriate number of refugees in a separate determination. Upon additional briefing and a more comprehensive presentation regarding the capacity of the executive departments and agencies charged with administering USRAP to increase refugee admissions while responding to other demands, and given the ongoing unforeseen emergency refugee situation, I now determine, consistent with my Administration's prior consultation with the Congress, that raising the number of admissions permissible for FY 2021 to 62,500 is justified by grave humanitarian concerns and is otherwise in the national interest.

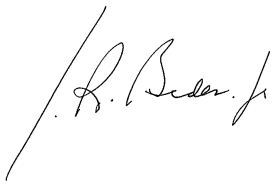
The number of refugee admissions authorized by this determination under section 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(b)) sends the important message that the United States remains a safe harbor for some of the most vulnerable people in the world. This number also sets a goal for USRAP and the non-governmental and international organizations with whom USRAP partners to resettle refugees. Given the gravity of the global refugee crisis, the number of authorized refugee admissions must be ambitious enough to challenge the United States Government and its partners to build their capacity to serve more refugees. In my judgment, a refugee admissions determination of 62,500 reflects these values, is justified by grave humanitarian concerns, and is otherwise in the national interest of the United States.

The FY 2021 allocations set forth in section (b) of PD 2021–05 are adjusted as follows:

Africa	22,000
East Asia	6,000
Europe and Central Asia	4,000
Latin America and the Caribbean	5,000
Near East and South Asia	13,000
Unallocated Reserve	12,500

The provisions of PD 2021–05 are retained, except to the extent superseded by this determination.

You are authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, May 3, 2021

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Billing code 4710–10–P

Presidential Documents

Proclamation 10201 of May 4, 2021

60th Anniversary of the Freedom Rides, 2021

By the President of the United States of America

A Proclamation

On May 4, 1961, thirteen Americans set out on Greyhound and Trailways buses from Washington, DC, to peacefully protest the scourge of segregation. They came from 9 different States and the District of Columbia; they were Black and white, men and women, ranging in age from 18 to 61, sitting side by side in a simple affirmation of shared humanity. They were teachers and students, carpenters and architects, ministers and servicemembers. Frances and Walter Bergman, Albert Bigelow, Ed Blankenheim, Reverend Benjamin Elton Cox, James Farmer, Genevieve Hughes, Jimmy McDonald, James Peck, Joe Perkins, Charles Person, Hank Thomas, and a 21-year-old student at the American Baptist Theological Seminary named John Lewis.

By the time of the first Freedom Rides, Thurgood Marshall and other heroes of the early Civil Rights Movement had already persuaded the Supreme Court to strike down the devastating doctrine of 'separate but equal,' which had given legal cover to the horrors of Jim Crow for more than half a century. But for far too many Americans, that promise of equality was slow to arrive. As their buses arrived in each segregated town, the Riders were brutally attacked by vicious, hateful mobs of white supremacists. They were kicked and beaten unconscious, assaulted with bats and batons, and arrested under laws that had already been declared illegal by the Supreme Court—but which festered nevertheless. One of the two buses had its tires slashed and windows smashed before it was firebombed.

The Freedom Riders remained devoted to nonviolence, displaying extraordinary physical courage and unflinching moral conviction. Despite the brutality they faced, they were joined by five other Riders along the route, and then by hundreds more joining similar rides in the months to come. The public attention they brought to a pernicious cancer in our society further inspired millions of Americans across the country, including generations of Americans who have continued the fight for civil rights in the years since. Their message of bravery, hope, and unity in diversity continues to inspire us.

John Lewis was the first to withstand a physical attack, just 6 days into the trip. It was not his first act of courageous leadership and sacrifice, nor his last. Across his lifetime of service in and out of Government, John Lewis was the moral compass of our Nation—though he absorbed the force of human nature's cruelty, he emanated dignity and grace. On the anniversary of his journey on the Freedom Rides, I am reminded of the message he shared with me before he passed away last summer: that we must stay focused on the work left undone to heal this Nation. It is a call to all Americans to follow the example he set.

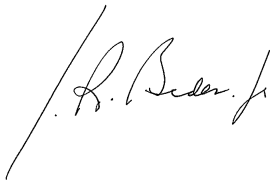
My Administration is committed to advancing the values and aspirations of John Lewis and the Freedom Riders. On my first day in office, I signed an Executive Order establishing a comprehensive initiative to address racial equity and redress systemic racism in Federal policies, laws, and programs. I also signed a Memorandum stating that the Federal Government has a responsibility to prevent racism, xenophobia, and intolerance against anyone in the United States—as well as an additional Executive Order on Preventing

and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. I have directed Federal agencies to preserve and strengthen the sacred right to vote using their existing legal authority. My Administration also supports further legislation to protect that most fundamental right—to make our democracy more equitable and accessible for all Americans, and to enact a new Voting Rights Act in John Lewis's name.

Today, we honor the Freedom Riders who took a stand against injustice 60 years ago. And we are inspired by the power and purpose of a dedicated few who helped spark a movement—to make us a better Nation, and to build a more perfect union for all of us.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 4, 2021, as the 60th Anniversary of the Freedom Rides. I call upon all Americans to participate in ceremonies and activities that honor the Freedom Riders, those who struggled for equal rights during the Civil Rights Movement, and those working still to advance civil rights across the Nation.

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



[FR Doc. 2021–09852
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Presidential Documents

Proclamation 10202 of May 4, 2021

Missing and Murdered Indigenous Persons Awareness Day, 2021

By the President of the United States of America

A Proclamation

Today, thousands of unsolved cases of missing and murdered Native Americans continue to cry out for justice and healing. On Missing and Murdered Indigenous Persons Awareness Day, we remember the Indigenous people who we have lost to murder and those who remain missing and commit to working with Tribal Nations to ensure any instance of a missing or murdered person is met with swift and effective action.

Our failure to allocate the necessary resources and muster the necessary commitment to addressing and preventing this ongoing tragedy not only demeans the dignity and humanity of each person who goes missing or is murdered, it sends pain and shockwaves across our Tribal communities. Our treaty and trust responsibilities to Tribal Nations require our best efforts, and our concern for the well-being of these fellow citizens require us to act with urgency. To this end, our Government must strengthen its support and collaboration with Tribal communities.

My Administration is fully committed to working with Tribal Nations to address the disproportionately high number of missing or murdered Indigenous people, as well as increasing coordination to investigate and resolve these cases and ensure accountability. I am further committed to addressing the underlying causes behind those numbers, including—among others—sexual violence, human trafficking, domestic violence, violent crime, systemic racism, economic disparities, and substance use and addiction. Federal partnerships to address the number of missing and murdered Indigenous peoples will be governed by the Nation-to-Nation foundation of our relationship with Tribal governments and respect for Tribal sovereignty and self-determination. The challenges in Tribal communities are best met by solutions that are informed and shaped by Tribal leaders and Tribal governments.

Tribes across the United States have long worked to provide solutions for their communities. In April, the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, the United States Attorney's Office for the District of Montana, and the FBI announced the Nation's first Tribal Community Response Plan, part of a Department of Justice pilot project to address emergent missing person cases in their community. When someone goes missing, it is often an urgent and time-sensitive situation. The Tribal community response plan lays out a blueprint for how Tribal law enforcement; local, State, and Federal law enforcement; and community members can respond when someone goes missing from a Tribal community—resolving important issues of jurisdictional overlap and gaps in order to respond swiftly and effectively. Other Tribes and Native villages such as the Muscogee (Creek) Nation in Oklahoma, Native Village of Unalakleet in Alaska, and the Bay Mills Indian Community in Michigan, are working with Federal partners on their own community response plans.

My Administration has made a priority of helping to solve the issues surrounding Native Americans who go missing and those who are murdered across the United States—including high rates of Native women and girls, including transgender women and girls. We recognize there is a level of

mistrust of the United States Government in many Native communities, stemming from a long history of broken promises, oppression, and trauma. That is why we are pursuing ways to build trust in our Government and the systems designed to provide support to families in need. We must bridge the gap for families in crisis, provide necessary support services, and support opportunities for healing through holistic community-driven approaches.

I am committed to building on the successes of the 2013 reauthorization of the Violence Against Women Act (VAWA) by supporting the passage of the VAWA Reauthorization of 2021. Among other protections, this bill reaffirms inherent Tribal authority to prosecute certain non-Indian offenders—extending protections from domestic violence and dating violence to Native American victims of sexual violence, stalking, trafficking, child abuse, elder abuse, and assault against law enforcement or justice personnel when crimes are committed on Tribal territory. Additionally, through the American Rescue Plan we provided an additional $35 million in grants for Tribes to provide temporary housing, assistance, and supportive services to victims of domestic and dating violence, as well as supplemental funding for the StrongHearts Native Helpline, and additional funding for services for sexual assault survivors.

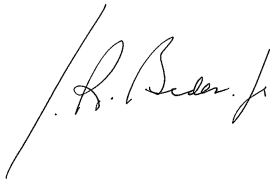
My Administration has also committed to effectively implement the requirements of Savanna's Act and the Not Invisible Act, legislation focused on combating the issues surrounding missing or murdered Indigenous persons. The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives continues to convene the Department of Justice, the Department of the Interior, and the Department of Health and Human Services, to address the issues from a combined public health–public safety partnership. Furthering the efforts of the task force, the White House Council on Native American Affairs will bring together all relevant Federal agencies to work with Tribal Nations on exploring additional ways to enhance prevention efforts and improve access to safety and justice.

Furthermore, informed by Tribal input, the Department of the Interior recently established the Missing & Murdered Unit (MMU) within the Bureau of Indian Affairs Office of Justice Services to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives. The MMU will help bring the weight of the Federal Government to bear when investigating these cases and marshal law enforcement resources across Federal agencies and throughout Indian country.

Our commitment to addressing these issues and to strengthening these critical partnerships is unwavering. For too long, there has been too much sorrow and worry. United by our mutual investment in healthy, safe communities, we will work together to achieve lasting progress.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 5, 2021, as Missing and Murdered Indigenous Persons Awareness Day. I call on all Americans and ask all levels of government to support Tribal governments and Tribal communities' efforts to increase awareness of the issue of missing and murdered American Indians and Alaska Natives through appropriate programs and activities.

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



[FR Doc. 2021–09853
Filed 5–6–21; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

Federal Register
Vol. 86, No. 87
Friday, May 7, 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.

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2017–BT–TP–0012]

RIN 1904–AD47

Energy Conservation Program: Test Procedure for Room Air Conditioners; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: On March 29, 2021, the U.S. Department of Energy (''DOE'') published a final rule adopting test procedures for room air conditioners (hereafter the ''March 2021 final rule''). This document corrects errors and omissions in the Federal test procedure for room air conditioners as amended by the March 2021 final rule, including an incorrect mathematical notation and missing detail regarding the full compressor speed setpoint in the testing instructions. Neither the errors and omissions, nor the corrections in this document, affect the substance of the rulemaking or any conclusions reached in support of the final rule.

DATES: Effective May 7, 2021. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register on April 28, 2021.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, 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) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

DOE published a final rule in the **Federal Register** on March 29, 2021, establishing test procedures for room air conditioners in appendix F to subpart B of Title 10 of the Code of Federal Regulations (CFR) part 430 (''appendix F''). 86 FR 16446. Following publication of the March 2021 final rule, DOE received a request on April 12, 2021 from the Association of Home Appliance Manufacturers to correct an error to a mathematical notation in the calculation for annual energy consumption in inactive and off mode.[1] DOE reviewed the test procedure as amended and agrees that the mathematical notation as finalized in the March 2021 final rule is incorrect. Upon review, DOE also identified an omission in the regulatory text as amended by the March 2021 final rule regarding a detail for the full compressor speed setpoint in the testing instructions. As discussed in the following paragraphs, the errors and omission in the regulatory text were correctly presented in the preamble to the March 2021 final rule. This correction rule revises appendix F to correct these typographical errors.

The appendix F test procedure specifies a formula to calculate annual energy consumption in inactive and off mode. Section 5.1 of appendix F. However, the formula as established by the March 2021 final rule does not properly size one of the subscripts and inadvertently uses an incorrect mathematical notation. DOE is therefore fixing these issues in this notice, and notes that the ''ia'' in the ''Pia'' variable should be in subscript, and the addition symbol in the second parenthetical term should instead be a multiplication symbol. The parenthetical term refers to the annual energy consumption of the room air conditioner in off mode, in kilowatt-hours (''kWh'') per year, which is the product of the measured average power in off mode, P_{om}, in watts (''W''), and the annual operating hours in off mode multiplied by a conversion factor from watt-hours to kWh, t_{om}, in kWh/W. It would therefore be mathematically incorrect to sum P_{om} and t_{om} to obtain an annual energy consumption term, rather than multiply the two variables. The corrected equation is as follows:

$$AEC_{ia/om} = (P_{ia} \times t_{ia}) + (P_{om} \times t_{om}).$$

The March 2021 final rule amended appendix F to include a definition of ''full compressor speed (full),'' which is referenced in the procedure for testing variable-speed room air conditioners. 86 FR 16446, 16477; *see also* section 2.12 of appendix F. Although the preamble to the March 2021 final rule stated that the full compressor speed is achieved when testing using a 75 °F setpoint, that testing instruction was inadvertently omitted in the regulatory text. 86 FR 16446, 16456. Thus, DOE revises the definition for full compressor speed as discussed in the preamble of the March 2021 final rule as follows:

2.12 ''Full compressor speed (full)'' means the compressor speed at which the unit operates at full load test conditions, when using user settings with a unit thermostat setpoint of 75 °F to achieve maximum cooling capacity, according to the instructions in ANSI/ASHRAE Standard 16–2016 Section 6.1.1.4.''

II. Need for Correction

As published, the regulatory text in March 2021 final rule may result in confusion due to the typographical errors and omission explained above. Because this final rule would simply correct errors in the text without making substantive changes in the March 2021 final rule, the changes addressed in this document are technical in nature.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the March 2021 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the March 2021 final rule. 86 FR 16446, 16472.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE has determined there is good cause to find that prior notice and opportunity for public comment on the changes contained in this document are impracticable, unnecessary, and

[1] The Association of Home Appliance Manufacturers' request is filed in the docket of this test procedure rulemaking (Docket No. EERE–2017–BT–TP–0012–0022) and available for review at *http://www.regulations.gov.*

contrary to the public interest. Neither the errors nor the corrections in this document affect the substance of the March 2021 final rule or any of the conclusions reached in support of the final rule. Providing prior notice and an opportunity for public comment on correcting objective, typographical errors and omissions that do not change the substance of the test procedure serves no useful purpose. As such, this rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d) otherwise applicable to rules that make substantive changes.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on May 2, 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 May 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE corrects part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations by making the following correcting amendments:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Appendix F to subpart B of part 430 is amended by revising sections 2.12 and 5.1 to read as follows:

Appendix F to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Room Air conditioners

* * * * *

2. * * *

2.12 ''Full compressor speed (full)'' means the compressor speed at which the unit operates at full load test conditions, when using user settings with a unit thermostat setpoint of 75 °F to achieve maximum cooling capacity, according to the instructions in ANSI/ASHRAE Standard 16–2016.

* * * * *

5. * * *

5.1 *Annual energy consumption in inactive mode and off mode.* Calculate the annual energy consumption in inactive mode and off mode, $AEC_{ia/om}$, expressed in kilowatt-hours per year (kWh/year).

$$AEC_{ia/om} = (P_{ia} \times t_{ia} + P_{om} \times t_{om})$$

Where:

$AEC_{ia/om}$ = annual energy consumption in inactive mode and off mode, in kWh/year.

P_{ia} = average power in inactive mode, in watts, determined in section 4.2 of this appendix.

P_{om} = average power in off mode, in watts, determined in section 4.2 of this appendix.

t_{ia} = annual operating hours in inactive mode and multiplied by a 0.001 kWh/Wh conversion factor from watt-hours to kilowatt-hours. This value is 5.115 kWh/W if the unit has inactive mode and no off mode, 2.5575 kWh/W if the unit has both inactive and off mode, and 0 kWh/W if the unit does not have inactive mode.

t_{om} = annual operating hours in off mode and multiplied by a 0.001 kWh/Wh conversion factor from watt-hours to kilowatt-hours. This value is 5.115 kWh/W if the unit has off mode and no inactive mode, 2.5575 kWh/W if the unit has both inactive and off mode, and 0 kWh/W if the unit does not have off mode.

* * * * *

[FR Doc. 2021–09705 Filed 5–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2020–BT–STD–0001]

RIN 1904–AE86

Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: On December 16, 2020, the U.S. Department of Energy (''DOE'') published a final rule adopting separate product classes for top-loading consumer (residential) clothes washers and consumer clothes dryers that offer cycle times for a normal cycle of less than 30 minutes, and for front-loading residential clothes washers that offer cycle times for a normal cycle of less than 45 minutes (''December 2020 final rule''). This document corrects an omission in the amended regulatory text as it appeared in the December 2020 final rule. Neither the error nor the correction in this document affect the substance of the rulemaking or any conclusions reached in support of the final rule.

DATES: Effective May 7, 2021.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, 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: *Appliance StandardsQuestions@ee.doe.gov*.

Ms. Kathryn McIntosh, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2002. Email: *Kathryn.McIntosh@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

DOE published a final rule in the **Federal Register** on December 16, 2020, establishing separate product classes for top-loading consumer (residential) clothes washers and consumer clothes dryers that offer cycle times for a normal cycle of less than 30 minutes, and for front-loading residential clothes washers that offer cycle times for a normal cycle of less than 45 minutes. 85 FR 81359. In a review of the December 2020 final rule, DOE identified an omission in the amended regulatory text for consumer clothes dryers. Specifically, the regulatory text that establishes separate product classes for vented electric standard clothes dryers and vented gas clothes dryers with a cycle time of less than 30 minutes omitted the distinction that the 30-minute cycle time is determined when conducting the test procedure at title 10 of the Code of Federal Regulations (''CFR''), part 430, subpart B, appendix D2 (''appendix D2''). This distinction was provided in the regulatory text of the notice of proposed rulemaking published on August 13, 2020 (85 FR

49297, 49311) and is supported by the discussion in the preamble of the December 2020 final rule.[1]

DOE published a correction notice on January 19, 2021 (''January 2021 correction notice'') responding to specific comments submitted by the Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison in response to DOE's notice of proposed rulemaking published on August 13, 2020, which were inadvertently omitted from the December 2020 final rule. 86 FR 4883. DOE considered these comments and determined that in most instances, these comments raised issues substantially similar to those raised by other commenters that DOE had considered and addressed in the December 2020 final rule. To the extent that these comments raised issues not explicitly addressed in the December 2020 final rule, DOE determined that the comments did not alter any of the conclusions reached in support of the final rule and would not have resulted in an outcome different than as set forth in the final rule. *Id.* This omission in the amended regulatory text also appeared in the January 2021 correction.

The substance of this final rule correction is distinct from the substance of the January 2021 correction notice.

II. Need for Correction

As published, the regulatory text in the December 2020 final rule may result in confusion as to the required test procedure for determining cycle time due to the omission of the distinction that the 30-minute cycle time for clothes dryers is determined when conducting the test procedure at appendix D2. Because this final rule would simply correct errors in the text without making substantive changes in the December 2020 final rule, the changes addressed in this document are technical in nature.

[1] The separate product classes for clothes dryers were based, in part, on data generated from testing in accordance with appendix D2. 85 FR 81359, 81360. Additionally, as explained in the December 2020 final rule, the clothes dryer test procedure at 10 CFR part 430, subpart B, appendix D1 does not provide data that can be used to determine a ''cycle time'' because the drying cycle is artificially terminated. As explained in the final rule, the artificially-terminated cycle has a field use factor applied to calculate representative energy consumption. 85 FR 81359, 81360 (footnote 2). DOE relied on appendix D2 as the basis for defining the 30-minute cycle time distinction because appendix D2 provides representative energy use and a corresponding cycle time, as the cycle is run from start to completion without being artificially terminated. *Id.*

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the December 2020 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the December 2020 final rule. 85 FR 81359, 81373.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), DOE finds that there is good cause to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest. Neither the errors nor the corrections in this document affect the substance of the December 2020 final rule or any of the conclusions reached in support of the final rule. Providing prior notice and an opportunity for public comment on correcting objective, typographical errors that do not change the substance of the test procedure serves no useful purpose.

Further, this rule correcting a regulatory text omission makes non-substantive changes to the test procedure. As such, this rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d) otherwise applicable to rules that make substantive changes.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on May 3, 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 May 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE corrects part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations by making the following correcting amendments:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.32 is amended by revising paragraph (h)(3)(ii) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(h) * * *

(3) * * *

(ii) Vented, electric standard clothes dryers and vented gas clothes dryers with a cycle time of less than 30 minutes, when tested according to appendix D2 in subpart B of this part, are not currently subject to energy conservation standards.

* * * * *

[FR Doc. 2021–09696 Filed 5–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25084; Project Identifier 2005–SW–38–AD; Amendment 39–21541; AD 2021–10–08]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 206L series helicopters. This AD

was prompted by a manufacturing flaw that could cause low fuel level detector switch units (switch units) to hang in the high position and fail to indicate a low fuel condition. This AD requires removing certain switch units from service and prohibits installing those switch units. This AD also requires accomplishing an operational test of certain other switch units, and depending on the results, removing the switch unit from service. This AD also prohibits installing those certain other switch units unless they pass an operational test. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 11, 2021.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *https://www.bellcustomer.com.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2006–25084; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the Transport Canada AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 206L, 206L–1, 206L–3, and 206L–4 helicopters, with certain switch units part number (P/N) 206–063–613–003 installed. The SNPRM published in the **Federal Register** on March 12, 2021 (86 FR 14020). The FAA preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on June 22, 2006 (71 FR 35836).

The NPRM was prompted by Canadian AD CF–2004–24, dated November 24, 2004, issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition for Model 206L series helicopters. Transport Canada advised that eight low fuel level detectors of listed serial numbers (S/Ns) may have been installed on Model 206L series helicopters. These detectors could hang in the high position and fail to indicate the low fuel condition. Accordingly, Transport Canada advised removing the affected switch units from service.

The SNPRM was prompted by a significant lapse of time since publication of the NPRM. The SNPRM also revised the NPRM by updating the type certificate holder's name, updating the estimated cost information, clarifying and expanding the applicability, clarifying the requirements, adding a compliance time, adding parts installation prohibitions, and updating the AD format.

The SNPRM proposed to require removing switch unit P/N 206–063–613–003 with S/N 1413, 1414, 1415, 1424, 1428, 1430, 1432, and 1433 from service and prohibit installing those switch units. The SNPRM proposed to require accomplishing an operational test of switch unit P/N 206–063–613–003 with a missing or illegible switch unit S/N or with an S/N that cannot be determined, and if the operational test fails, removing the switch unit from service. The SNPRM also proposed to prohibit installing switch unit P/N 206–063–613–003 with a missing or illegible switch unit S/N or with an S/N that cannot be determined unless it passes an operational test.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the SNPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Canada, Transport Canada, its technical representative, has notified the FAA of the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters.

Related Service Information

The FAA reviewed Bell Helicopter Textron Alert Service Bulletin No. 206L–04–132, Revision A, dated October 4, 2004. This service information specifies procedures for determining whether any of eight specified serial-numbered detector switch units are installed because they may fail to indicate a low fuel condition. If the S/N is missing or unreadable, the service information specifies inspecting the switch unit to determine if it is an affected switch unit. The service information also specifies removing each affected switch unit.

Differences Between This AD and the Transport Canada

This AD applies to switch units with a missing or illegible S/N or with an S/N that cannot be determined, and requires certain actions for those switch units, whereas the Transport Canada AD does not.

Costs of Compliance

The FAA estimates that this AD affects up to 558 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing a switch unit takes about 4 work-hours and parts cost about $921 for an estimated cost of $1,261 per switch unit and up to $703,638 for the U.S. fleet. Accomplishing an operational test takes about 4 work-hours for an estimated cost of $340 per switch unit and up to $189,720 for the U.S. fleet.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–10–08 Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Amendment 39–21541 Docket No. FAA–2006–25084; Project Identifier 2005–SW–38–AD.

(a) Effective Date

This airworthiness directive (AD) is effective June 11, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 206L, 206L–1, 206L–3, and 206L–4 helicopters, certificated in any category, with a low fuel level detector switch unit (switch unit) part number (P/N) 206–063–613–003:

(1) With a switch unit serial number (S/N) 1413, 1414, 1415, 1424, 1428, 1430, 1432, or 1433 installed, or

(2) With a missing or illegible switch unit S/N or if the S/N cannot be determined, installed.

Note 1 to paragraph (c): Helicopters with a 206L–1+ designation are Model 206L–1 helicopters. Helicopters with a 206L–3+ designation are Model 206L–3 helicopters.

Note 2 to paragraph (c): The switch unit is located on the aft fuel boost pump assembly. The P/N and S/N for the switch unit could be on the outside face of the attachment flange, in the cross hatched area of the switch unit.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2842, Fuel Quantity Sensor.

(e) Unsafe Condition

This AD was prompted by a manufacturing flaw that could cause a switch unit to hang in the high position and fail to indicate a low fuel condition. The FAA is issuing this AD to prevent failure of the switch unit to indicate a low fuel condition that could lead to fuel exhaustion and which if not addressed, could result in a subsequent forced landing.

(f) Compliance

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

(g) Required Actions

(1) For a switch unit identified in paragraph (c)(1) of this AD, on or before the next 100-hour time-in-service inspection after the effective date of this AD, remove the switch unit from service.

(2) For a switch unit identified in paragraph (c)(2) of this AD, on or before the next 100-hour time-in-service inspection after the effective date of this AD:

(i) Determine the color of the switch unit mounting flange. If the mounting flange color is any color other than red, determine the purchase date. If the purchase date of the switch unit is between April 19 and July 26, 2004, or cannot be determined, do an operational test.

(ii) If the switch unit fails the operational test, before further flight, remove the switch unit from service.

(3) As of the effective date of this AD, do not install a switch unit identified in paragraph (c)(1) of this AD on any helicopter.

(4) As of the effective date of this AD, do not install a switch unit identified in paragraph (c)(2) of this AD on any helicopter unless the actions in paragraphs (g)(2)(i) and (ii) of this AD have been accomplished.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.*

(2) Bell Helicopter Textron Alert Service Bulletin No. 206L–04–132, Revision A, dated October 4, 2004, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *https://www.bellcustomer.com.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in Transport Canada AD CF–2004–24, dated November 24, 2004. You may view the Transport Canada AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2006–25084.

(j) Material Incorporated by Reference

None.

Issued on April 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–09278 Filed 5–6–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–808]

Schedules of Controlled Substances: Placement of Serdexmethylphenidate in Schedule IV

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: On March 2, 2021, the United States Food and Drug Administration approved a new drug application for AZSTARYS capsules for oral use, a combination drug product containing serdexmethylphenidate chloride and

dexmethylphenidate hydrochloride, for the treatment of Attention Deficit Hyperactivity Disorder in patients six years of age or older. The Department of Health and Human Services provided the Drug Enforcement Administration with a scheduling recommendation to place serdexmethylphenidate and its salts in schedule IV of the Controlled Substances Act. In accordance with the Controlled Substances Act, as amended by the Improving Regulatory Transparency for New Medical Therapies Act, Drug Enforcement Administration is hereby issuing an interim final rule placing serdexmethylphenidate, including its salts, isomers, and salts of isomers, in schedule IV of the Controlled Substances Act, thereby facilitating the commercial distribution of AZSTARYS as a lawful controlled substance.

DATES: The effective date of this rulemaking is May 7, 2021. Interested persons may file written comments on this rulemaking in accordance with 21 U.S.C. 811(j)(3) and 21 CFR 1308.43(g). Electronic comments must be submitted, and written comments must be postmarked, on or before June 7, 2021. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Interested persons may file a request for hearing or waiver of hearing in accordance with 21 U.S.C. 811(j)(3) and 21 CFR 1308.44. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law asserted in the hearing, must be received on or before June 7, 2021.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–808'' on all correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration (DEA) encourages that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.
- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, VA 22152.
- *Hearing requests:* All requests for hearing and waivers of participation must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

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

SUPPLEMENTARY INFORMATION: This interim final rule refers to the single entity, serdexmethylphenidate. The chloride salt of serdexmethylphenidate is chemically known as 3-[[[(1*S*)-1-carboxy-2-hydroxyethyl]-amino]carbonyl]-1-[[[[(2*R*)-2-[(1*R*)-2-methoxy-2-oxo-1-phenylethyl]-1-piperidinyl] carbonyl]oxy]methyl]pyridinium chloride. This rule places serdexmethylphenidate, including its salts, isomers, and salts of isomers, in schedule IV of the Controlled Substances Act (CSA), thereby facilitating the commercial distribution of AZSTARYS as a controlled substance.

Posting of Public Comments

Please note that all comments received are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted. If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will generally be made publicly available in redacted form. If a comment has so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information, including the complete Department of Health and Human Services (HHS) and DEA eight-factor analyses, to this interim final rule are available at *http://www.regulations.gov* for easy reference.

Request for Hearing or Waiver of Participation in a Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559. 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D. Such requests or notices must conform to the requirements of 21 CFR 1308.44(a) or (b), and 1316.47 or 1316.48, as applicable, and include a statement of the person's interests in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. Any waiver must conform to the requirements of 21 CFR 1308.44(c) and may include a written statement regarding the interested

person's position on the matters of fact and law involved in any hearing.

All requests for a hearing and waivers of participation must be sent to DEA using the address information provided above.

Background and Legal Authority

Under the CSA, as amended in 2015 by the Improving Regulatory Transparency for New Medical Therapies Act (section 2(b) of Pub. L. 114–89), DEA is required to commence an expedited scheduling action with respect to certain new drugs approved by the Food and Drug Administration (FDA). As provided in 21 U.S.C. 811(j), this expedited scheduling is required where both of the following conditions apply: (1) The Secretary of HHS has advised DEA that a New Drug Application (NDA) has been submitted for a drug that has a stimulant, depressant, or hallucinogenic effect on the central nervous system (CNS), and that it appears that such drug has an abuse potential; and (2) the Secretary of HHS recommends that DEA control the drug in schedule II, III, IV, or V pursuant to 21 U.S.C. 811(a) and (b). In these circumstances, DEA is required to issue an interim final rule controlling the drug within 90 days.

Subsection (j)(2) states that the 90-day timeframe starts the later of (1) the date DEA receives HHS' scientific and medical evaluation/scheduling recommendation, or (2) the date DEA receives notice of the NDA approval by HHS. Subsection (j)(3) specifies that the rulemaking shall become immediately effective as an interim final rule without requiring DEA to demonstrate good cause therefore. Thus, the purpose of subsection (j) is to speed the process by which DEA schedules newly approved drugs that are currently either in schedule I or not controlled (but which have sufficient abuse potential to warrant control) so that such drugs may be marketed without undue delay following FDA approval.[1]

Subsection (j)(3) further provides that the interim final rule shall give interested persons the opportunity to comment and to request a hearing. After the conclusion of such proceedings, DEA must issue a final rule in accordance with the scheduling criteria of 21 U.S.C. 811(b) through (d) and 812(b).

Serdexmethylphenidate chloride (3-[[[(1*S*)-1-carboxy-2-hydroxyethyl]-amino]carbonyl]-1-[[[[(2*R*)-2-[(1*R*)-2-methoxy-2-oxo-1-phenylethyl]-1-piperidinyl]carbonyl]oxy]methyl] pyridinium chloride) is a new molecular entity (NME) without CNS activity. However, according to HHS, because serdexmethylphenidate chloride (SDX) is metabolized in the large intestine to dexmethylphenidate (*d*-MPH), a schedule II drug and a CNS stimulant, SDX is a prodrug of *d*-MPH.

On March 2, 2020, Commave Therapeutics S.A. submitted an NDA to FDA, in partnership with KemPharm, Inc., for a combination drug product containing SDX and *d*-MPH, both as chloride salts. On March 2, 2021, DEA received notification that FDA, on the same date, approved this NDA for AZSTARYS capsules for oral use, a combination drug product containing dexmethylphenidate hydrochloride and serdexmethylphenidate chloride, under section 505(c) of the Federal Food, Drug, and Cosmetic Act (FDCA), for the treatment of Attention Deficit Hyperactivity Disorder (ADHD) in patients six years of age or older. According to the FDA-approved product label, AZSTARYS contains 28 mg/6 mg, 42 mg/9 mg, or 56 mg/12 mg of serdexmethylphenidate chloride/dexmethylphenidate hydrochloride (equivalent to 26.1 mg/5.2 mg, 39.2 mg/7.8 mg, and 52.3 mg/10.4 mg of serdexmethylphenidate/dexmethylphenidate, respectively).[2]

The 90-day time frame, as stipulated to in subsection 811(j)(2) and discussed above, was triggered on March 2, 2021. Therefore, DEA must issue an interim final rule controlling serdexmethylphenidate on or before May 31, 2021.

Determination To Schedule Serdexmethylphenidate

On March 2, 2021, DEA received from HHS a scientific and medical evaluation entitled ''Basis for the Recommendation to Control Serdexmethylphenidate and its Salts in schedule IV of the Controlled Substances Act'' and a scheduling recommendation. Pursuant to 21 U.S.C. 811(b) and (c), this document contained an eight-factor analysis of the abuse potential, legitimate medical use, and dependence liability of serdexmethylphenidate, along with HHS's recommendation to control serdexmethylphenidate and its salts under schedule IV of the CSA.

In response, DEA reviewed the scientific and medical evaluation and scheduling recommendation provided by HHS, along with all other relevant data, and completed its own eight-factor review pursuant to 21 U.S.C. 811(c). DEA concluded that SDX meets the 21 U.S.C. 812(b)(4) criteria for placement in schedule IV of the CSA.

Pursuant to subsection 811(j), and based on HHS' scheduling recommendation, the approval of the NDA by HHS/FDA, and DEA's determination, DEA is issuing this interim final rule to schedule SDX as a schedule IV controlled substance under the CSA.

Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its scheduling action. Please note that both DEA and HHS analyses are available in their entirety under ''Supporting Documents'' in the public docket for this interim final rule at *http://www.regulations.gov,* under Docket Number ''DEA–808.'' Full analysis of, and citations to, the information referenced in the summary may also be found in the supporting and related material.

1. Its Actual or Relative Potential for Abuse

SDX is an NME that has not been marketed in the United States or any country. Thus, evidence regarding its diversion and actual abuse is lacking. SDX only recently became available for medical treatment, has not been diverted from legitimate sources, and individuals have not taken this substance in amounts sufficient to create a hazard to public health and safety. DEA notes that there are no reports for SDX in the National Forensic Laboratory Information System (NFLIS),[3] which collects drug cases submitted to and analyzed by state and local forensic laboratories.

As stated by HHS, clinical studies show that SDX, when taken by the oral route, produces effects that are similar to other stimulant drugs in schedule IV, such as phentermine. The pharmacological mechanism of action of SDX is based on its prodrug characteristics, as it must be metabolized to *d*-MPH to exert its effects. In clinical studies, SDX demonstrated a lower potential for

[1] Given the parameters of subsection (j), in DEA's view, it would not apply to a reformulation of a drug containing a substance currently in schedules II through V for which an NDA has recently been approved.

[2] *https://www.accessdata.fda.gov/drugsatfda_docs/label/2021/212994s000lbl.pdf.*

[3] NFLIS represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96% of an estimated 1.0 million distinct annual State and local drug analysis cases. NFLIS includes drug chemistry results from completed analyses only. While NFLIS data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See 76 FR 77330, 77332, Dec. 12, 2011. NFLIS data were queried on March 4, 2021.

abuse when compared to *d*-MPH and similar potential for abuse when compared to phentermine. This evidence demonstrates that SDX is related in action and effect to the schedule IV substance phentermine, and can therefore be expected to have a similar potential for abuse.

2. Scientific Evidence of Its Pharmacological Effects, if Known

SDX itself has no CNS activity and must be metabolized to *d*-MPH to exert its effect. As HHS notes, *in vitro* binding studies demonstrated that SDX does not interact with dopamine and norepinephrine transporters, which are the sites of action for *d*-MPH, a schedule II drug. Moreover, SDX does not bind to any other receptor systems that are associated with drugs of abuse.

In a human abuse potential (HAP) study, therapeutic and supratherapeutic doses of SDX administered orally produced positive subjective responses such as Drug Liking and Drug High similar to those of phentermine and higher than placebo. In addition, abuse-related adverse events such as euphoric mood and hypervigilance occurred less frequently in SDX-treated subjects than in those treated with *d*-MPH. However, SDX-treated subjects reported more abuse-related adverse events than those treated with placebo. As concluded by HHS, results from preclinical and clinical studies indicate that SDX has abuse potential similar to phentermine, a schedule IV substance.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

SDX is an NME. It is chemically known as 3-[[[(1*S*)-1-carboxy-2-hydroxyethyl]-amino]carbonyl]-1-[[[[(2*R*)-2-[(1*R*)-2-methoxy-2-oxo-1-phenylethyl]-1-piperidinyl] carbonyl]oxy]methyl]pyridinium chloride. It is a white to off-white crystalline solid that is freely soluble in water at pH that was tested up to 6.8. On March 2, 2021, FDA approved the NDA for AZSTARYS, a combination drug product containing *d*-MPH and SDX for the treatment of ADHD in patients six years of age or older. Thus, SDX has an accepted medical use in the United States. SDX will be marketed in combination with *d*-MPH (SDX/*d*-MPH) as immediate-release capsules in three strengths of 28 mg/6 mg, 42 mg/9 mg, and 56 mg/12 mg.

4. Its History and Current Pattern of Abuse

There is no information on the history and current pattern of abuse for SDX, since it has not been marketed, legally or illegally, in the United States. HHS notes that SDX produces abuse-related signals, such as euphoric mood and hypervigilance, and abuse potential similar to that of schedule IV controlled substance phentermine. In March 2021, DEA searched the NFLIS database for SDX encounters. Consistent with the fact that SDX is an NME, this database had no records of encounters of SDX by law enforcement.

5. The Scope, Duration, and Significance of Abuse

SDX is not marketed in the United States, legally or illegally. Thus, information on the scope, duration, and significance of abuse for SDX is lacking. However, as stated by HHS, data from animal and human studies indicate that SDX has abuse potential similar to phentermine. Therefore, upon marketing, SDX scope of abuse is expected to be similar to phentermine.

6. What, if Any, Risk There Is to the Public Health

The extent of abuse potential of a drug is an indication of its public health risk. Data from preclinical and clinical studies showed that SDX has abuse potential similar to that of the schedule IV stimulant phentermine. Therefore, upon availability for marketing, SDX is likely to pose a public health risk to a degree similar to schedule IV stimulants, such as phentermine.

7. Its Psychic or Physiological Dependence Liability

As HHS notes, no animal studies were done to test physical dependence liability of SDX. A hallmark of physical dependence are withdrawal symptoms resulting from drug discontinuation. In clinical studies, there was no adverse events indicative of withdrawal from discontinuation of the SDX/*d*-MPH combination treatment.

SDX produced positive subjective responses to ratings of Drug Liking and Drug High in a HAP study. The responses were significantly higher than the placebo and similar to phentermine, a schedule IV stimulant. HHS concluded that SDX can produce psychic dependence to a similar extent as phentermine.

8. Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA

SDX is not an immediate precursor of any controlled substance, as defined by 21 U.S.C. 802(23).

Conclusion: After considering the scientific and medical evaluation and scheduling recommendation provided by HHS, and its own eight-factor analysis, DEA has determined that these facts and all relevant data constitute substantial evidence of potential for abuse of SDX. As such, DEA hereby schedules SDX as a controlled substance under the CSA.

Determination of Appropriate Schedule

The CSA lists the findings required to place a drug or other substance in any particular schedule (I, II, III, IV, or V). 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 812(b)(4), finds that:

1. *Serdexmethylphenidate has a low potential for abuse relative to the drugs or other substances in schedule III.*

Receptor binding studies demonstrate that SDX does not bind to dopamine and norepinephrine transporters and other receptors typically associated with abuse potential. Upon oral administration, SDX is metabolized to *d*-MPH, a schedule II drug, in the large intestine and showed an abuse potential lower than that of *d*-MPH, but similar to that of phentermine, a schedule IV drug. Results from an observational animal behavioral study demonstrate that lower doses of SDX (12 and 25 mg/kg) did not produce any CNS effects and only the highest dose of SDX (50 mg/kg) increased CNS activity. In a HAP study, SDX at the therapeutic and supra-therapeutic doses produced positive subjective responses such as Drug Liking and Drug High similar to those of phentermine (schedule IV) and significantly higher than placebo. Furthermore, data from other clinical studies show that SDX produced abuse-related adverse events, namely euphoric mood and hypervigilance. Because SDX is similar to phentermine (schedule IV) in its abuse potential, SDX has a lower potential for abuse relative to the drugs or other substances in schedule III.

2. *Serdexmethylphenidate has a currently accepted medical use in the United States.*

On March 2, 2021, FDA approved the NDA for AZSTARYS capsules, a combination drug product containing *d*-MPH and SDX for the treatment of ADHD in patients six years of age or older. Thus, SDX has a currently accepted medical use for treatment in the United States.

3. *Serdexmethylphenidate may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.*

There were no animal studies performed to evaluate physical dependence of SDX. In clinical studies,

SDX demonstrated no indication of physical dependence after abrupt discontinuation of the drug. In a HAP study, SDX increased drug-liking scores that were significantly greater than that of placebo and were similar to that of phentermine. In addition, SDX produced euphoria-related adverse events in a HAP study. These data collectively suggest that SDX abuse may lead to limited psychological dependence relative to drugs in schedule III and largely similar to that of schedule IV stimulants.

Based on these findings, the Acting Administrator of DEA concludes that SDX warrants control in schedule IV of the CSA. 21 U.S.C. 812(b)(4).

Requirements for Handling Serdexmethylphenidate

Serdexmethylphenidate is subject to the CSA's schedule IV regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, dispensing, importing, exporting, research, and conduct of instructional activities and chemical analysis with, and possession involving schedule IV 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, serdexmethylphenidate, 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. Any person who currently handles or intends to handle serdexmethylphenidate and is not registered with DEA must submit an application for registration and may not continue to handle serdexmethylphenidate unless DEA has approved that application for registration, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. These registration requirements, however, are not applicable to patients (end users) who possess serdexmethylphenidate pursuant to a lawful prescription.

2. *Disposal of stocks.* Any person who obtains a schedule IV registration to handle serdexmethylphenidate but who subsequently does not desire or is not able to maintain such registration must surrender all quantities of serdexmethylphenidate or may transfer all quantities of serdexmethylphenidate to a person registered with DEA in accordance with 21 CFR part 1317, in additional to all other applicable Federal, state, local, and tribal laws.

3. *Security.* Serdexmethylphenidate is subject to schedule III–V security requirements for DEA registrants and it must be handled and stored in accordance with 21 CFR 1301.71–1301.77. Non-practitioners handling serdexmethylphenidate must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93. These requirements, however, are not applicable to patients (end users) who possess serdexmethylphenidate pursuant to a lawful prescription.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of serdexmethylphenidate must comply with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

5. *Inventory.* Every DEA registrant who possesses any quantity of serdexmethylphenidate must take an inventory of serdexmethylphenidate on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Any person who becomes registered with DEA to handle serdexmethylphenidate must take an initial inventory of all stocks of controlled substances (including serdexmethylphenidate) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958(e), 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 serdexmethylphenidate) on hand every two years, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. These requirements, however, are not applicable to patients (end users) who possess serdexmethylphenidate pursuant to a lawful prescription.

6. *Records and Reports.* DEA registrants must maintain records and submit reports for serdexmethylphenidate, pursuant to 21 U.S.C. 827, 832(a), and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and parts 1304, 1312, and 1317.

7. *Prescriptions.* All prescriptions for serdexmethylphenidate, or products containing serdexmethylphenidate, must comply with 21 U.S.C. 829, and be issued in accordance with 21 CFR parts 1306 and 1311, subpart C.

8. *Manufacturing and Distributing.* In addition to the general requirements of the CSA and DEA regulations that are applicable to manufacturers and distributors of schedule IV controlled substances, such registrants should be advised that (consistent with the foregoing considerations) any manufacturing or distribution of serdexmethylphenidate may only be for the legitimate purposes consistent with the drug's labeling, or for research activities authorized by the FDCA and CSA.

9. *Importation and Exportation.* All importation and exportation of serdexmethylphenidate must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving serdexmethylphenidate not authorized by, or in violation of, the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Administrative Procedure Act

Section 553 of the APA (5 U.S.C. 553) generally requires notice and comment for rulemakings. However, 21 U.S.C. 811(j) provides that in cases where a certain new drug is (1) approved by HHS, under section 505(c) of the FDCA and (2) HHS recommends control in CSA schedule II–V, DEA shall issue an interim final rule scheduling the drug within 90 days. As stated in the legal authority section, the 90-day time frame is the later of: (1) The date DEA receives HHS's scientific and medical evaluation/scheduling recommendation, or (2) the date DEA receives notice of the NDA approval by HHS. Additionally, subsection (j) specifies that the rulemaking shall become immediately effective as an interim final rule without requiring DEA to demonstrate good cause.

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

In accordance with 21 U.S.C. 811(a) and (j), this scheduling action is subject to formal rulemaking procedures performed ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and 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 on 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 Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA. As noted in the above discussion regarding the applicability of the APA, DEA is not required to publish a general notice of proposed rulemaking. Consequently, the RFA does not apply to this interim final rule.

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 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.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement 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.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of this interim final rule to both Houses of Congress and to the Comptroller General.

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 part 1308 continues to read as follows:

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

■ 2. In § 1308.14:

■ a. Redesignate paragraphs (f)(11) through (13) as (f)(12) through (14); and

■ b. Add new paragraph (f)(11).

The addition reads as follows:

§ 1308.14 Schedule IV.

* * * * *

(f) * * *

(11) Serdexmethylphenidate 1729

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–09738 Filed 5–6–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0215]

RIN 1625–AA08

Special Local Regulation; Clinch River, Oak Ridge, TN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard establishes a temporary special local regulation for all navigable waters on the Clinch River from mile marker (MM) 48.5 to MM 52.0 during the U.S. Rowing Southeast Youth Championship. This special local regulation prohibits non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within the race area and prohibits vessels from transiting at speeds that cause wake within the spectator area unless authorized by Captain of the Port Sector Ohio Valley or a designated representative.

DATES: This rule is effective from 6 a.m. until 6 p.m. from May 8, 2021, to May 9, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0215 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 First Class Nicholas Jones, Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Nicholas.J.Jones@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 temporary safety zone by May 8, 2021 and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the 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 of ensuring the safety of spectators and vessels during the event and immediate action is necessary to prevent possible loss of life and property.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the US Rowing Southeast Youth Championship marine event will be a safety concern, and is establishing a special local regulation from Mile Marker (MM) 48.5 to 52.0 on the Clinch River. This rule is needed to protect personnel and vessels on the navigable waters during the marine event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 6 a.m. until 6 p.m. from May 8, 2021, to May 9, 2021. The special local regulation will cover all navigable waters between MM 48.5 to MM 52.0 on the Clinch River. The duration of the zone is intended to ensure spectators and vessels' safety on these navigable waters for the duration of the event. All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or their designated representative. To seek permission to enter, contact the COTP or the COTP's representative by Sector Ohio Valley Command Center at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them 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 special local regulation. This special local regulation restricts transit on a two and a half mile segment of the Clinch River for twelve hours on two days. Moreover, the Coast Guard would issue Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and Marine Safety Information Bulletins (MSIBs) about this special local regulation so that waterway users may plan accordingly for this short restriction on transit, and the rule would allow vessels to request permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the special local regulation 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 will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a

significant effect on the human environment. This rule involves a special local regulation lasting twelve hours that will prohibit entry from MM 48.5 to 52.0 on the Clinch River. It is categorically excluded from further review under paragraph L61 in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A Memorandum for Record 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 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 100

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

For the reasons discussed in this preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T08–0215 to read as follows:

§ 100.T08–0215 Oak Ridge, TN. Clinch River mile 48.5 to 52.0.

(a) *Location.* The regulations in this section apply to the following area: All navigable waters of the Clinch River from mile 48.5 to mile 52.0, extending the entire width of the river.

(b) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by Sector Ohio Valley Command Center at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(c) *Enforcement period.* This section will be enforced from 6 a.m. to 6 p.m. from May 8, 2021 to May 9, 2021.

(d) *Information broadcast.* The COTP will issue Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and Marine Safety Information Bulletins (MSIBs) about this special local regulation so that waterway users may plan accordingly for this short restriction on transit, and the rule would allow vessels to request permission to enter the zone.

Dated: May 4, 2021.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2021–09725 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP64

Adopting Standards for Laboratory Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) adopts as final, with changes, a proposed rule amending its medical regulations to establish standards for VA clinical laboratories. The Department of Health and Human Services (HHS) has established standards for the staffing, management, procedures, and oversight of clinical laboratories that perform testing used for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings. VA is required, in consultation with HHS, to establish standards equal to those applicable to other clinical laboratories. As a matter of policy and practice VA has applied HHS standards to its VA laboratory operations, and this rule formalizes this practice. In response to public comments this final rulemaking amends proposed language to more accurately reflect VA's utilization of CMS-deemed accreditation organizations in the process of inspection, oversight, and operational approval of VA clinical laboratories.

DATES: This final rule is effective June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Quynh Vantu, Health Science Specialist, Pathology and Laboratory Service (1011DIAG2), Office of Clinical Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave NW, Washington, DC 20420, (202) 632–8418. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on October 17, 2018, VA proposed to amend its medical regulations to establish standards for VA clinical laboratories. 83 FR 52345. We provided a 60-day comment period, which ended on December 17, 2018, and we received four comments.

The Clinical Laboratory Improvement Amendments of 1988 (Public Law (Pub. L.) 100–578) amended section 353 of the Public Health Service Act to establish legal requirements for the staffing, management, procedures, reporting of results and oversight of clinical laboratories that perform testing used for the diagnosis, prevention, or treatment of any disease or impairment of, or assessment of the health of, human beings. These statutory requirements are codified at 42 U.S.C. 263a. The Centers for Medicare & Medicaid Services (CMS), within HHS, has primary responsibility for the administration of the Clinical Laboratory Improvement Amendments (CLIA) program and implementing regulations for CLIA at 42 Code of Federal Regulations (CFR) part 493.

Section 101 of Pub. L. 102–139 (enacted October 28, 1991), required VA, within a specified time-frame and in consultation with HHS, to ''establish standards [by regulation] equal to that [sic] applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.'' VA's regulations must ''include appropriate provisions respecting compliance with such requirements [set forth in section 353(f) of the Public Health Service Act]'' and may include appropriate provisions respecting waivers and accreditations as described in section 353(d) and 353(e), respectively, of the Public Health Service Act. This final rule complies with the requirement for rulemaking by amending VA's medical regulations to reference the portions of 42 CFR part 493 adopted by VA as they apply to VA medical facility laboratories and clinics, and to clarify that these standards are subject to VA oversight and enforcement by VA only. In addition, this final rule allows VA laboratories to be accredited by an accreditation organization granted deeming authority by CMS under the CLIA program, in accordance with the accreditation requirements in the CLIA regulations at subpart E of 42 CFR part 493, and participate in an HHS approved proficiency testing program.

As explained in the preamble to the proposed rule, VA policy and practice regarding CLIA compliance was developed in consultation with HHS in 1994 and 1998. Additionally, in 2000, after further consultation, VA and CMS entered into an interagency agreement (IAA), which documented the history of the parties' consultations and agreements and granted VA limited authority to act on behalf of CMS.

In 2018, CMS and VA met to begin the process to review and update the 2010 agreement and it was proposed to replace the IAA with a memorandum of understanding (MOU), and to review and renew every six years thereafter. The IAA was converted to an MOU and approved on May 22, 2020. In addition, CMS and VA agreed to meet annually to discuss program issues of mutual importance.

To ensure VA operated laboratories remain current with CMS CLIA requirements, VA participates in the CMS Partners in Laboratory Oversight group, consults with CMS as needed, and participates in at least one formal consultative meeting per year. Additionally, VA provides updated data to CMS for each VA laboratory assigned a CLIA number at least every two years, or as changes occur. Furthermore, VA provides CMS with any requested information regarding the operation and performance of VA laboratories and the operations of the oversight program.

This final rulemaking formalizes VA's application of the CLIA requirements to VA laboratory operations by adding a new section 17.3500 to 38 CFR, ''VA application of 42 CFR part 493 standards for clinical laboratory operations,'' to its medical regulations. Section 17.3500 addresses CLIA regulations found at 42 CFR part 493, by subpart, and how VA will apply those regulations. This rule will also allow VA to continue to assure that medical facility laboratories across our system perform and report out consistent, accurate, and reliable laboratory testing, ensuring the provision of quality testing for our patients in a manner comparable to non-VA laboratories.

In response to the proposed rule, VA received four comments. One commenter expressed support for the rule, and we thank the commenter for supporting the rule.

Another commenter noted a grammatical error in the preamble but did not suggest any edits be made to the rule. Specifically, the commenter noted that in the first paragraph of the Supplemental Information section, we referred to the definition of ''laboratory or clinical laboratory'' found at 42 U.S.C. 263a(a) and quoted from that statutory definition without using quotation marks. The commenter is correct, however no change in the regulatory text is needed. We are not making any edits to this rulemaking based on this comment, and we thank the commenter for their feedback.

Another commenter provided the same comment twice. The comment was supportive of the rule, but provided multiple recommendations regarding: (1) Personnel requirements; (2) scope of practice; and (3) accreditation organizations. The commenter also attached a comment that was submitted to CMS in March 2018 in response to a request for information. In this rulemaking, we will only address the comment that was directed to VA and will not address the comment directed to CMS.

1. Personnel Requirements. The commenter raised concerns over the academic and clinical training requirements for high complexity laboratory personnel to broaden the potential labor force of laboratory professionals while simultaneously ensuring they are properly qualified to provide high quality testing. The commenter recommended that we modify the CLIA personnel requirements to: (1) Allow an earned baccalaureate degree with at least 30 hours (or equivalent) of coursework in biological and chemical sciences (appropriate to a major in one of these sciences) to satisfy the academic degree requirement; (2) clarify that all high complexity testing personnel must complete clinical training, either from an accredited clinical training program or documented laboratory training prior to testing patient samples; (3) create personnel standards for histotechnology professionals, requiring that they complete an associate degree (or equivalent) in the chemical or biological sciences, and complete either an accredited or structured training program under the auspices of a board certified pathologist or designee; and (4) require all high complexity laboratory personnel to pass a national certification examination.

The purpose of this rulemaking is to fulfill the requirements of section 101 of Public Law 102–139 for rules equal to those applicable to other medical facility laboratories subject to the CLIA requirements as implemented under the Public Health Service Act . As previously stated, CMS implemented CLIA regulations at 42 CFR part 493, and VA is amending its medical regulations to incorporate those portions of 42 CFR part 493 as adopted by VA. Personnel requirements for performing non-waived testing are addressed in subpart M of 42 CFR part 493, and VA will apply all standards from this subpart except the requirements to maintain a license in the state where the laboratory is located. In other words, in formalizing VA's application of the CLIA requirements implemented by CMS, VA cannot adopt less rigorous standards than those of CMS.

While VA cannot adopt less rigorous standards, if deemed necessary, VA will further delineate higher personnel qualifications in policy. For example, VA currently maintains a higher personnel qualification standard for medical technologists in policy. Medical technologists are required to possess a combination of a bachelor's degree, or higher, and clinical practice experience. Additionally, medical technologists must possess, or obtain within one year from date of appointment, an appropriate certification from the American Society for Clinical Pathology or the American Medical Technologists. Furthermore, in areas where VA has not implemented a more rigorous standard than CMS, it is because we believe their standards satisfy our specific needs and ensure the safety, efficiency, and reliability of our laboratories. Like all public institutions, VA must balance the goals of verifying staff competency with creating a flexible enough barrier to entry that we can attract the best minds from all areas of clinical laboratory science.

We are not making any changes to this rulemaking based on this comment.

2. Scope of Practice. The commenter sought to confirm their interpretation that this rule does not impact the scope of practice for advanced practice registered nurses (APRNs) to ''order laboratory and imaging studies and integrate the results into clinical decision making, but not to perform or interpret any laboratory test.'' The commenter also ''urged the VA to maintain this policy.''

The commenter is correct that this rule does not impact APRN scope of practice. In a document published in the **Federal Register** on May 25, 2016, VA proposed to amend its regulation to permit full practice authority of four types of APRNs. 81 FR 33155. Proposed 38 CFR 17.415(d)(1)(i)(B) stated in part that a certified nurse practitioner (CNP) may order, perform, or supervise laboratory and imaging studies. Several commenters were concerned with the language, and VA agreed with commenters that the language may be construed as allowing CNPs to perform laboratory studies. In a document published in the **Federal Register** on December 14, 2016, VA published its final rulemaking and amended

§ 17.415(d)(1)(i)(B) to state in part that a CNP may order laboratory and imaging studies and integrate the results into clinical decision making. 81 FR 90198.

With that background, we agree with the commenter that this rulemaking does not impact § 17.415 and reiterate that the intent of this rule is to fulfill the requirements of section 101 of Public Law 102–139 for formal rulemaking to adopt standards equal to those applicable to other medical facility laboratories in accordance with the Public Health Service Act. Additionally, VA maintains requirements in policy that specify all testing must be performed under the authority of a Pathologist serving as the Chief of Pathology (Laboratory Director) and that all point of care testing must be overseen by a Medical Technologist Point of Care Coordinator. We are not making any changes to this rulemaking based on this comment.

3. Accreditation Organizations. The commenter questioned whether CMS-approved accrediting agencies will assess whether VA clinical laboratories are in full compliance with VA requirements and recommended that VA ''require all accrediting agencies providing services to VA laboratories attest that they assess VA laboratories in compliance with applicable VA regulations.''

There are no accrediting organizations that have standards equivalent to VA, and therefore, no accreditation organization can effectively inspect VA laboratories to ensure they are compliant with all VA regulations. VA uses outside accreditation organizations with deeming authority to assess third-party compliance with CLIA regulations. The requirements VA has implemented that are more stringent than CLIA, or unique to the government, are overseen by the VA Office of Inspector General, the Veterans Health Administration (VHA) Office of Medical Inspector, and VHA Pathology and Laboratory Medicine Service National Enforcement Office. We believe this rigorous internal and external oversight provides more thorough oversight than could be accomplished by only an external accreditation organization.

In response to the issues raised by the commenter, VA believes it is necessary to amend the language in proposed § 17.3500(e)(1) to more accurately reflect VA's utilization of CMS deemed-status accreditation organizations in the process of inspection, oversight, and operational approval of VA clinical laboratories. ''Operational approval'' for VA clinical laboratories includes compliance with both standards established by a CMS deemed-status accreditation organization and meeting relevant VA standards. Generally, accreditation organizations determine whether a laboratory is in compliance with the standards established by that organization. If the accrediting organization determines that the laboratory complies with those standards, it issues a certificate of accreditation. That is only one element considered by VA in determining whether the laboratory meets all VA standards. In addition to attaining a certificate of accreditation, the laboratory must also meet relevant VA standards, which may be more stringent than those set by the accrediting organization. Also, in some cases VA establishes a standard for testing that is not covered by standards established by the accrediting organization or addressed in 42 CFR part 493. If the laboratory meets applicable accreditation standards and also relevant VA standards, VA issues a certificate of compliance, meaning that the laboratory is CLIA certified by VA.

We also note that VA laboratories performing minimally complex tests are not required to be inspected and accredited by CMS deemed-status accreditation organizations, but rather are inspected and CLIA certified by VA. Similarly, VA laboratories that perform provider performed microscopy testing as outlined in 42 CFR 493.19, are not required to be inspected and accredited by CMS deemed-status accreditation organizations, but rather are inspected and CLIA certified by VA. We amend § 17.3500(e)(1) to state that VA relies on CMS to grant deeming authority for accreditation organizations. VA uses only an accreditation agency with deeming authority to determine whether a laboratory is in compliance with standards established by the accreditation organization. VA determines whether the laboratory is in compliance with any additional standard established by VA which is: (i) More stringent than that required for accreditation purposes, or (ii) not addressed by accreditation standards or 42 CFR part 493. In addition to public comments received, HHS was afforded the opportunity to review the rule and provided the following comments and suggestions, which we are adopting. First, HHS noted that VA cannot enforce 42 CFR part 493 because it is a function of CMS and suggested that language in the first sentence of the proposed introductory paragraph of § 17.3500 be rephrased to reflect that VA laboratories must meet VA's alternative requirements under 38 CFR. We agree with this suggestion and have removed the phrase ''administered, and enforced'' from the first sentence, and combined the first and second sentences to clarify that laboratory testing within VA performed for the diagnosis, prevention, or treatment of any disease or impairment of, or health assessment of, human beings must meet at a minimum, requirements established under subparts 42 CFR part 493 as implemented by VA. We also removed the phrase ''comply with the listed requirements established by the Department of Health and Human Services (HHS) under the following subparts of 42 CFR part 493'' in the first sentence and replaced it with ''requirements established under the following subparts of 42 CFR part 493'' because we believe the previous reference to HHS is superfluous since 42 CFR part 493 is a regulation established by HHS. We believe these revisions clarify that VA laboratories must meet VA's additional standards as well as CLIA regulations.

Second, HHS commented that the intent of the third sentence in the proposed introductory paragraph was adequately addressed in the three sentences immediately following it. We agree with this comment and have removed it; however we have added the phrase ''as well as contracted laboratory services performed on site at VA laboratories, outreach clinics or other'' to the fourth sentence to clarify that VA implements the functions and responsibilities assigned to CMS in 42 CFR part 493 at VA laboratories and outreach clinics, as well as with contracted laboratory services performed on site at VA laboratories or other testing sites.

Third, HHS questioned the legal basis for the language used in the fourth sentence of the proposed introductory paragraph regarding VA's assumption of the functions and responsibilities assigned to CMS in 42 CFR part 493. Upon review of HHS' comment, we have amended this sentence by replacing the phrase ''assumed by VA'' with ''implemented by VA.'' We believe this revision clarifies that VA only performs the functions and responsibilities assigned to CMS in 42 CFR part 493 at VA laboratories and outreach clinics, as well as with contracted laboratory services performed on site at VA laboratories or other testing sites.

Fourth, HHS questioned if VA staff have the requisite knowledge to perform validation inspections of VA laboratories as proposed in paragraph (e)(4) and suggested that the phrase ''performs validation inspections,'' be replaced with ''performs inspections.''

We agree with the suggestion provided by HHS because a validation inspection is performed by CMS whereas VA performs inspections on VA laboratories. We are amending the phrase by removing the term ''validation.''

Fifth, HHS noted that the language provided in (m)(2) was not clear and suggested we revise the sentence. Proposed (m)(2) stated ''Due process protections afforded by CMS-certified for laboratories facing sanctions are not applicable to laboratories operating under this section.'' We agree that this sentence is unclear and have amended it to state, ''Due process protections afforded by CMS to CMS certified laboratories facing sanctions are not applicable to laboratories operating under this section.''

Based on the rationale set forth in the proposed rule and in this document, VA is adopting the provisions of the proposed rule as a final rule with the changes noted above.

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). It would affect only the operations of VA medical facility laboratories and any small entity which chooses to enter into a contract with VA to provide laboratory services. VA estimates that this final rule potentially impacts 37 small entities within NAICS Code 621511 (Medical Laboratories), which represents 1.3 percent of small entities covered by NAICS Code 621511. The small medical laboratories impacted by this rulemaking provide contracted medical laboratory services at various VA medical facilities, to include VA outpatient clinics and VA Community Based Outpatient Clinics. This rulemaking decreases the regulatory burden for the 37 small entities who provide contract medical laboratory services to VA. Under this rulemaking functions and responsibilities assigned to the Centers for Medicare & Medicaid Services (CMS) in 42 CFR part 493 are assumed by VA, and provisions that are specific to oversight by state licensure programs are not applicable. For services performed under a VA contract for medical laboratory services the contractors would not be subject to potential CMS sanctions under subpart R of 42 CFR part 493 because VA does not participate in Medicare or Medicaid programs, and VA is responsible for both oversight and enforcement of clinical laboratory standards. In addition, state onsite monitoring and monetary penalties imposed by CMS as an alternate sanction are not applicable. However, VA may cease laboratory testing immediately at any site subject to this section upon notification of immediate jeopardy to patients. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

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

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.008—Veterans Domiciliary Care; 64.011—Veterans Dental Care; 64.029—Purchase Care Program; 64.033—VA Supportive Services for Veteran Families Program; 64.040—VA Inpatient Medicine; 64.041—VA Outpatient Specialty Care; 64.042—VA Inpatient Surgery; 64.043—VA Mental Health Residential; 64.044—VA Home Care; 64.045—VA Outpatient Ancillary Services; 64.046—VA Inpatient Psychiatry; 64.047—VA Primary Care; 64.048—VA Mental Health clinics; 64.049—VA Community Living Center; 64.050—VA Diagnostic Care; 64.054—Research and Development.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 22, 2021 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

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

For the reasons set forth in the preamble, VA amends 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The general authority citation for part 17 continues, and an entry for § 17.3500 is added in numerical order, to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections:

* * * * *

Section 17.3500 is also issued under Pub. L. 102–139 sec. 101.

* * * * *

■ 2. Add an undesignated center heading following § 17.3250 to read as follows:

Clinical Laboratory Standards

■ 3. Add § 17.3500 to read as follows:

§ 17.3500 VA application of 42 CFR part 493 standards for clinical laboratory operations.

Laboratory testing within VA performed for the diagnosis, prevention, or treatment of any disease or impairment of, or health assessment of, human beings must meet, at a minimum, requirements established under the following subparts of 42 CFR part 493 as implemented by VA. Except as noted below, functions and responsibilities assigned to the Centers for Medicare & Medicaid Services (CMS) in 42 CFR part 493 are implemented by VA at VA laboratories and outreach clinics, as well as with contracted laboratory services performed on site at VA laboratories or other testing sites. Provisions that are specific to oversight by state licensure programs are not applicable. VA administers the application of the relevant provisions of 42 CFR part 493 to VA laboratories as follows:

(a) *General provisions.* All provisions in subpart A of 42 CFR part 493 apply to VA with the following exceptions:

(1) Functions assigned to HHS in this subpart are performed by VA.

(2) While 42 CFR part 493 requires laboratories that perform waived, moderate and high complexity tests to meet the regulations, VA requires VA laboratories meet or exceed the requirements of 42 CFR part 493.

(b) *Certificate of waiver.* All provisions in subpart B of 42 CFR part 493 apply to VA, except that:

(1) Certificates issued by HHS under this subpart are instead issued by VA pursuant to an agreement between CMS and VA.

(2) CMS does not require remittance of a fee from laboratories for any certificate issued by the VA under this subpart.

(c) *Registration certificate, certificate for provider-performed microscopy procedures, and certificate of compliance.* All provisions in subpart C of 42 CFR part 493 apply to VA, except that:

(1) Certificates issued by HHS under this subpart are instead issued by VA pursuant to an agreement between CMS and VA.

(2) CMS does not require remittance of a fee from laboratories for any certificate issued by VA under this subpart.

(d) *Certificates of accreditation.* All provisions in subpart D of 42 CFR part 493 apply to VA, except that:

(1) Certificates issued by HHS under this subpart are instead issued by VA pursuant to an agreement between CMS and VA.

(2) CMS does not require remittance of a fee from laboratories for any certificate issued by VA under this subpart.

(e) *Accreditation by a private, nonprofit accreditation organization or exemption under an approved state laboratory program.* All provisions in subpart E of 42 CFR part 493 apply to VA, to the extent that this subpart addresses accreditation by a private, nonprofit accreditation organization. VA applies this subpart as follows:

(1) VA relies on CMS to grant deeming authority for accreditation organizations. VA uses only an accreditation agency with deeming authority to determine whether a laboratory is in compliance with standards established by the accreditation organization. VA determines whether the laboratory is in compliance with any additional standard established by VA which is:

(i) More stringent than that required for accreditation purposes, or

(ii) Not addressed by accreditation standards or 42 CFR part 493.

(2) VA uses only CMS-approved proficiency testing providers.

(3) Proficiency testing providers release proficiency testing results directly to VA.

(4) VA, rather than CMS, performs inspections of VA laboratories.

(5) Oversight and enforcement functions under this subpart are performed by VA.

(f) *General administration.* Subpart F of 42 CFR part 493 sets forth the methodology for determining the amount of the fees for issuing the appropriate certificate, and for determining compliance with the applicable standards of the Public Health Service Act and the Federal validation of accredited laboratories and of CLIA-exempt laboratories. This subpart is inapplicable to VA, as CMS does not collect fees for certification of VA laboratories.

(g) *Participation in proficiency testing for laboratories performing nonwaived testing.* All provisions in subpart H of 42 CFR part 493 apply to VA, except that all enforcement and oversight functions related to proficiency testing which are assigned to HHS in this subpart are performed by VA.

(h) *Proficiency testing programs for nonwaived testing.* All provisions in subpart I of 42 CFR part 493 apply to VA, and VA employs scoring criteria under this subpart. VA uses only CMS approved proficiency testing providers. Enforcement and oversight functions related to proficiency testing which are assigned to HHS in this subpart are performed by VA.

(i) *Facility administration for nonwaived testing.* VA applies standards established in Subpart J of 42 CFR part 493.

(j) *Quality system for nonwaived testing.* VA applies standards established in Subpart K of 42 CFR part 493.

(k) *Personnel for nonwaived testing.* VA applies standards established in subpart M of 42 CFR part 493, except that requirements regarding maintaining a license in the state where the laboratory is located are not applicable.

(l) *Inspection.* VA applies standards established in subpart Q of 42 CFR part 493, except that all enforcement and oversight functions, which are assigned to HHS in this subpart are performed by VA.

(m) *Enforcement procedures.* VA applies standards established in subpart R of 42 CFR part 493, except:

(1) Enforcement and oversight functions which are assigned to HHS in this subpart are performed by VA.

(2) Due process protections afforded by CMS to CMS certified laboratories facing sanctions are not applicable to laboratories operating under this section.

(3) Suspension of the right to Medicare or Medicaid payments as an available sanction is not applicable. VA does not participate in these programs.

(4) State onsite monitoring and monetary penalties imposed by CMS as an alternate sanction under 42 CFR 493.1806(c) are not applicable.

(5) VA may cease laboratory testing immediately at any site subject to this section upon notification of immediate jeopardy to patients.

(6) VA does not participate in laboratory registry under 42 CFR 493.1850. VA may disclose laboratory information useful in evaluating the performance of laboratories under 5 U.S.C. 552.

(n) *Consultations.* Subpart T of 42 CFR part 493 requires HHS to establish a Clinical Laboratory Improvement Advisory Committee (CLIAC) to advise and make recommendations on technical and scientific aspects of the provisions of part 493. This subpart does not apply to VA.

[FR Doc. 2021–08157 Filed 5–6–21; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2008–0784; FRL–10022–90–Region 5]

Air Plan Approval; Wisconsin; Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Rule Clarifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Wisconsin state implementation plan (SIP), submitted by the Wisconsin Department of Natural Resources (WDNR) on September 30, 2008. The revision updates the definition of ''Replacement Unit'' and clarifies a component of the emission calculation used to determine emissions under a plantwide applicability limitation (PAL) in the Wisconsin Administrative Code. Approving this revision makes Wisconsin rules consistent with Federal rules. EPA proposed to approve this action on November 9, 2020 and received no adverse comments.

DATES: This final rule is effective on June 7, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2008–0784. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Michael Cloyd, Air Permits Section, at (312) 886–1474 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Michael Cloyd, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1474, *Cloyd.Michael@epa.gov.*

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

I. Background Information

On November 9, 2020 (85 FR 71295), EPA proposed to approve revisions to Wisconsin's air rules as adopted in the Wisconsin Register (July 2008, No. 631). An explanation of the Clean Air Act requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM), and will not be restated here. The public comment period for this proposed rule ended on December 9, 2020. EPA received no comments on the proposal.

II. Final Action

EPA is approving updates and revisions to Wisconsin's air quality SIP. Specifically, EPA is approving updates to the definition of ''Replacement Unit'' under NR 405.02(12)(b), NR 405.02(25k), and NR 408.02(29s), and is approving a revision to a component of the emission calculation used to determine emissions under a PAL under NR 405.18(6)(e) and NR 408.11(6)(e).

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

Dated: April 29, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by adding paragraph (c)(143) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(143) On September 30, 2008 the Wisconsin Department of Natural Resources submitted a request to revise Wisconsin's air permitting program. The revisions update the definition of ''Replacement Unit'' and clarify a component of the emission calculation used to determine emissions under a plantwide applicability limitation.

(i) *Incorporation by reference.* (A) Wisconsin Administrative Code, NR 405.02 Definitions. NR 405.02(12)(b), and NR 405.02(25k), as published in the Wisconsin Administrative Register July 2008, No. 631, effective August 1, 2008.

(B) Wisconsin Administrative Code, NR 405.18 Plant-wide applicability limitations (PALs), NR 405.18(6)(e), as published in the Wisconsin Administrative Register July 2008, No. 631, effective August 1, 2008.

(C) Wisconsin Administrative Code, NR 408.02 Definitions. NR 408.02(29s), as published in the Wisconsin Administrative Register July 2008, No. 631, effective August 1, 2008.

(D) Wisconsin Administrative Code, NR 408.11 Plant-wide applicability limitations (PALs), NR 408.11(6)(e), as published in the Wisconsin Administrative Register July 2008, No. 631, effective August 1, 2008.

(ii) [Reserved]

[FR Doc. 2021–09419 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0605; FRL–10022–94–Region 9]

Air Plan Approval; California; Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Imperial County Air Pollution Control District (ICAPCD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) from new and replacement residential-type natural gas-fired water heaters. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on June 7, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2020–0605. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Robert Schwartz, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3286 or by email at *schwartz.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On February 22, 2021 (86 FR 10520), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule #	Rule title	Adopted	Submitted
ICAPCD	400.6	Natural Gas-Fired Water Heaters	11/26/2019	02/06/2020

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received two comments. One of the comments was in support of the rule's approval and is not discussed further here. The other comment asked a general question about the rule: ''What plans are expected to be put in place to regulate these emission sources?'' The EPA appreciates the comment and refers the commentor to the text of the rule and the Technical Support Document for a more detailed description of the ICAPCD's plan to regulate these sources.

In summary, ICAPCD Rule 400.6 is a new local regulation that imposes NO_X emissions limits on new and replacement residential-type natural gas-fired water heaters; these sources were not previously subject to any NO_X emissions limit in the District. The rule prohibits any person in the District to manufacture, distribute, sell, or install applicable units that exceed the NO_X emission limits established by the rule. This final approval will make the rule federally enforceable upon the effective date stated above.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the ICAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, the EPA is not required to submit a rule report regarding this action under section 801.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: April 27, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(546)(i)(B) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(546) * * *

(i) * * *

(B) Imperial County Air Pollution Control District.

(*1*) Rule 400.6, ''Natural Gas Fired Water Heaters,'' adopted on November 26, 2019.

(*2*) [Reserved]

* * * * *

[FR Doc. 2021–09372 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2020–0732; FRL–10022–93–Region 10]

Air Plan Approval; WA; Regional Haze Best Available Retrofit Technology Revision for TransAlta Centralia Generation Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a source-specific State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on December 18, 2020. The SIP revision makes changes to nitrogen oxide control requirements for the TransAlta Centralia Generation Plant (TransAlta). These requirements were established in an order issued to TransAlta by the State to satisfy the Clean Air Act Best Available Retrofit Technology Requirements (BART) put in place by Congress to reduce regional haze and restore visibility in national parks and wilderness areas. The changes submitted by the State improve the operation of pollution control equipment at TransAlta while continuing to meet BART requirements.

DATES: This final rule is effective June 7, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2020–0732. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov*.

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

I. Background

On March 8, 2021, we proposed to approve the source-specific SIP revision submitted by Ecology for the TransAlta Centralia Generation Plant (86 FR 13256). The reasons for our proposed approval were stated in the proposed rulemaking and will not be re-stated here. The public comment period for our proposed action ended on April 7, 2021. We received no comments. Therefore, we are finalizing our action as proposed.

II. Final Action

The EPA is approving, and incorporating by reference into the Washington SIP, BART Order 6426 for the TransAlta Centralia Generation Plant, state effective July 29, 2020.[1] The EPA is also removing from incorporation by reference the previous BART Order 6426 for the TransAlta Centralia Generation Plant, State effective December 13, 2011.[2] The EPA has determined that the changes improve the operation of pollution controls at the plant and are consistent with regional haze and other Clean Air Act (CAA) requirements.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the changes to the incorporation by reference as described in section II of this preamble. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

[1] In the Matter of an Administrative Order Against, TransAlta Centralia Generation LLC, Second Revision: Order No. 6426, except the undesignated introductory text, the section titled ''Findings,'' and the undesignated text following condition 9, State effective July 29, 2020.

[2] In the Matter of an Administrative Order Against, TransAlta Centralia Generation LLC, First Revision: Order No. 6426, except the undesignated introductory text, the section titled ''Findings,'' and the undesignated text following condition 13, State effective December 13, 2011.

[3] 62 FR 27968 (May 22, 1997).

IV. Statutory and Executive Order Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not address technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have

tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe, and other tribes located in Washington, in a letter dated September 4, 2020.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: April 28, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart WW—Washington

■ 2. In § 52.2470, amend the table in paragraph (d) by:

■ a. Removing the entry ''TransAlta Centralia BART''; and

■ b. Adding the entry ''TransAlta Centralia BART—Second Revision'' to the end of the table.

The addition reads as follows:

§ 52.2470 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED STATE OF WASHINGTON SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Order/permit No.	State effective date	EPA approval date	Explanations
*	*	*	*	* * *
TransAlta Centralia BART—Second Revision.	#6426	7/29/2020	5/7/2021, [Insert **Federal Register** citation].	Except the undesignated introductory text, the section titled ''Findings,'' and the undesignated text following condition 9.

[1] The EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Washington Department of Ecology may request removal by submitting such a demonstration to the EPA as a SIP revision.

* * * * *

[FR Doc. 2021–09383 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2021–0136; FRL–10023–01–Region 7]

Air Plan Approval; Missouri; Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by the State of Missouri on February 15, 2019. This final action will amend the SIP to revise a Missouri regulation which restricts the emissions of volatile organic compounds from wood furniture manufacturing operations in St. Louis City and Jefferson, St. Charles, Franklin, and St. Louis Counties. These revisions do not have an adverse effect on air quality. The EPA's approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 7, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2021–0136. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air

Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7714; email address: *stone.william@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is the EPA taking?
IV. Incorporation by Reference
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I. What is being addressed in this document?

The EPA is approving revisions to the Missouri SIP received on February 15, 2019. The revisions are to Title 10, Division 10 of the Code of State Regulations, 10 CSR 10–5.530 ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations'', which restricts the emissions of volatile organic compounds (VOC) from wood furniture manufacturing operations in St. Louis City and Jefferson, St. Charles, Franklin, and St. Louis Counties (hereinafter referred to in this document as the ''St. Louis Area''). The revisions to the rule specify that this rule only applies to sources that were existing at the time of the rule's promulgation, remove restrictive words, update references, and make minor clarifications and grammatical changes. The revisions are described in detail in the technical support document (TSD) included in the docket for this action. The EPA solicited comments on the proposed revision to Missouri's SIP, and received one comment that was supportive of the proposed action (86 FR 13264, March 8, 2021).

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 15, 2018, to September 6, 2018, and held a public hearing on August 30, 2018. The State received and addressed six comments from the EPA. As explained in more detail in the TSD which is included in the docket for this action, the SIP revision submission meets the substantive requirements of the CAA, including section 110 and implementing regulations.

III. What action is the EPA taking?

The EPA is taking final action to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–5.530 ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations.''

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the

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

time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: April 22, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.530'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.530	Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations.	2/28/2019	5/7/2021, [insert **Federal Register** citation]	
*	*	*	*	*

* * * * *

[FR Doc. 2021–09387 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0500; FRL–10023–56–Region 4]

Air Plan Approval; Kentucky; Removal of Asbestos Requirements From Jefferson County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is correcting the erroneous incorporation of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements into the Jefferson County portion of the Kentucky State Implementation Plan (SIP). The continued presence of the asbestos requirements in the Jefferson County portion of the Kentucky SIP is inappropriate and potentially confusing and thus problematic for affected sources, the Commonwealth, local agencies, and EPA. EPA is removing the asbestos requirements because these requirements are not related to the attainment and maintenance of the national ambient air quality standards (NAAQS) and are therefore unrelated to the Clean Air Act (CAA or Act) requirements for SIPs.

DATES: This rule is effective June 7, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0500. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via electronic mail at *akers.brad@epa.gov* or via telephone at (404) 562–9089.

SUPPLEMENTARY INFORMATION:

I. Background

Section 110 of the CAA requires states to develop and submit to EPA a SIP to ensure that state air quality meets the NAAQS. These ambient air quality standards currently address six criteria pollutants: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. EPA-approved SIP regulations and control strategies are federally enforceable.

On October 23, 2001 (66 FR 53658), EPA approved revisions to the Jefferson

County portion of the Kentucky SIP,[1] which included miscellaneous rule revisions and the recodification of Air Pollution Control District (APCD) of Jefferson County regulations. These revisions were submitted to EPA on May 21, 1999, by the Commonwealth of Kentucky on behalf of Jefferson County. Among these revisions were requirements for permitting the demolition and renovation of facilities with asbestos, in accordance with 40 CFR part 61, subpart M, *National Emission Standard for Asbestos.* The asbestos requirements were adopted by Jefferson County in paragraphs 1.3, 5.3, and 5.6 of Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* and this regulation was part of the recodified rules included in the May 21, 1999, submittal. In the October 23, 2001, final rule, EPA inadvertently incorporated the asbestos requirements in Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* into the Jefferson County portion of the Kentucky SIP. The version of the rules incorporated into the SIP were effective in Jefferson County on December 15, 1993.

Section 110(k)(6) of the CAA provides EPA with the authority to make corrections to prior SIP actions that are subsequently found to be in error in the same manner as the prior action, and to do so without requiring any further submission from the State.[2] While section 110(k)(6) provides EPA with the authority to correct its own ''error,'' nowhere does this provision or any other provision in the CAA define what qualifies as ''error.'' Thus, EPA believes that the term should be given its plain language, everyday meaning, which includes all unintentional, incorrect, or wrong actions or mistakes.

The May 21, 1999, submission contained changes to Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* that contain asbestos requirements in paragraphs 1.3, 5.3 and 5.6. EPA's October 23, 2001, approval of these requirements into the Jefferson County portion of the Kentucky SIP was in error. These paragraphs are appropriate for State and local agencies to adopt and implement, but it is not necessary or appropriate to incorporate them into the applicable SIP because asbestos requirements are not related to the attainment and maintenance of the NAAQS. EPA proposed to remove these paragraphs from Regulation 2.03 in a notice of proposed rulemaking on March 4, 2021, and received no comments. *See* 86 FR 12554. EPA is therefore removing these paragraphs from the SIP.

II. Incorporation by Reference

In this document, EPA is amending regulatory text that includes incorporation by reference. Specifically, EPA is removing paragraphs 1.3, 5.3, and 5.6 (asbestos requirements) of Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* from the Jefferson County portion of the Kentucky SIP, which is incorporated by reference in accordance with requirements of 1 CFR 51.5. The remainder of Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* will remain incorporated in the Jefferson County portion of the Kentucky SIP. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

III. Final Action

EPA is removing paragraphs 1.3, 5.3, and 5.6 of APCD Regulation 2.03, *Permit Requirements, Non-Title V Construction and Operating Permits and Demolition/Renovation Permits,* from the Jefferson County portion of the SIP because they are not related to the attainment and maintenance of the NAAQS.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement

[1] In 2003, the City of Louisville and Jefferson County governments merged and the ''Jefferson County Air Pollution Control District'' was renamed the ''Louisville Metro Air Pollution Control District.'' *See* The History of Air Pollution Control in Louisville, available at *https://louisvilleky.gov/government/air-pollution-control-district/history-air-pollution-control-louisville.* However, each of the regulations in the Jefferson County portion of the Kentucky SIP still has the subheading ''Air Pollution Control District of Jefferson County.'' Thus, to be consistent with the terminology used in the SIP, EPA refers throughout this notice to regulations contained in the Jefferson County portion of the Kentucky SIP as the ''Jefferson County'' regulations.

[2] Section 110(k)(6) states that ''Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.''

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: April 29, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. Section 52.920(c) is amended in Table 2 under ''Reg 2—Permit Requirements'' by revising the entry for ''2.03'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
*	*	*	*	*	*
Reg 2—Permit Requirements					
*	*	*	*	*	*
2.03	Permit Requirements—Non-Title V Construction and Operating Permits and Demolition/Renovation Permits.	10/23/01	66 FR 53660.	12/15/93	Except for paragraphs 1.3, 5.3 and 5.6 regarding asbestos demolition, which were removed from the federally approved SIP by EPA on 5/7/21.
*	*	*	*	*	*

* * * * *

[FR Doc. 2021–09468 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0488; FRL–10022–88–Region 3]

Air Plan Approval; Pennsylvania; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Clearfield/Indiana Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania. The revision pertains to the Commonwealth's plan, submitted by the Pennsylvania Department of Environmental Protection (PADEP), for maintaining the 1997 8-hour ozone national ambient air quality standard (NAAQS) (referred to as the ''1997 ozone NAAQS'') in the Clearfield/Indiana, Pennsylvania area (''Clearfield/Indiana Area''). EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on June 7, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0488. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 2021 (86 FR 8729), EPA published a notice of proposed rulemaking (NPRM). In the NPRM, EPA proposed approval of Pennsylvania's plan for maintaining the 1997 ozone NAAQS in the Clearfield/Indiana Area through April 20, 2029, in accordance with CAA section 175A. The formal SIP revision was submitted by PADEP on February 27, 2020.

II. Summary of SIP Revision and EPA Analysis

On March 19, 2009 (74 FR 11674, effective April 20, 2009), EPA approved a redesignation request (and maintenance plan) from PADEP for the Clearfield/Indiana Area. In accordance with CAA section 175A(b), at the end of the eighth year after the effective date of the redesignation, the State must also submit a second maintenance plan to ensure ongoing maintenance of the standard for an additional 10 years, and in *South Coast Air Quality Management District* v. *EPA,*[1] the D.C. Circuit held that this requirement cannot be waived for areas, like the Clearfield/Indiana Area, that had been redesignated to attainment for the 1997 8-hour ozone NAAQS prior to revocation and that were designated attainment for the 2008 ozone NAAQS. CAA section 175A sets forth the criteria for adequate maintenance plans. In addition, EPA has published longstanding guidance that provides further insight on the content of an approvable maintenance plan, explaining that a maintenance plan should address five elements: (1) An attainment emissions inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.[2] PADEP's February 27, 2020 submittal fulfills Pennsylvania's obligation to submit a second maintenance plan and addresses each of the five necessary elements.

As discussed in the February 9, 2021 NPRM, EPA allows the submittal of a limited maintenance plan (LMP) to meet the statutory requirement that the area will maintain for the statutory period. Qualifying areas may meet the maintenance demonstration by showing that the area's design value[3] is well below the NAAQS and that the historical stability of the area's air quality levels indicates that the area is unlikely to violate the NAAQS in the future. EPA evaluated PADEP's February 27, 2020 submittal for consistency with all applicable EPA guidance and CAA requirements. EPA found that the submittal met CAA section 175A and all CAA requirements, and proposed approval of the LMP for the Clearfield/Indiana Area as a revision to the Pennsylvania SIP. Other specific requirements of PADEP's February 27, 2020 submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received one comment on the February 9, 2021 NPRM. This comment is in the docket for this rulemaking action. A summary of the comment and EPA's response are provided herein.

Comment: The commenter asserts that the LMP should not be approved because ''Pennsylvania identifies no actual contingency measures.'' According to the commenter, a ''contingency measure is supposed to be a known measure that can be quickly implemented by a state in order to prevent the violation of the NAAQS.'' The comment asserts that current contingency measures are defective because they allegedly will not be evaluated and determined until after an exceedance of the NAAQS has occurred. The comment claims that EPA is aware Pennsylvania has a history of not meeting its CAA requirements on time, and that it can take Pennsylvania more than two years to implement a regulation, which would be too long to prevent a violation of the NAAQS.

Response: The commenter asserts that Pennsylvania identifies no actual contingency measures because the measures are not yet ''evaluated'' and ''determined'' and cannot be implemented before a violation of the NAAQS occurs. Because Pennsylvania identifies two regulatory and six non-regulatory contingency measures in general terms, EPA understands the comment's use of the term ''evaluated'' and ''determined'' must mean something like the specific measures identified by PADEP have not been fully promulgated and are not in effect at this time. If EPA's understanding is correct, EPA agrees with this fact, but does not agree that this has any bearing on the approvability of the particular contingency measures or of the overall LMP.

PADEP identifies six non-regulatory measures and two regulatory measures. The two regulatory measures are ''additional controls'' on consumer products and portable fuel containers. The six non-regulatory measures are: Voluntary diesel engine ''chip reflash;'' diesel retrofit for public or private local onroad or offroad fleets; idling reduction technology for Class 2 yard locomotives; idling technologies or strategies for truck stops, warehouses, and other freight-handling facilities; accelerated turnover of lawn and garden equipment; additional promotion of alternative fuel for home heating and agriculture use. As stated in the Calcagni memo, EPA's long-standing interpretation is that contingency measures for maintenance of the NAAQS are not required to be fully adopted in order to be approved. The commenter refers to a recent court case vacating, among other things, the contingency measure provisions in EPA's rule for implementing the 2015 ozone NAAQS, *Sierra Club* v. *EPA,* No. 15–1465 (D.C. Cir. January 29, 2021). It is possible that the commenter has conflated the contingency measure provisions at issue in that case, which pertained to attainment plans, and those at issue in this LMP, which pertain to maintenance plans. The contingency measure provisions for maintenance and attainment are found in two different sections of the CAA, with substantially different wording and requirements. The attainment plan contingency measures provisions in CAA section 172(c)(9) require that the attainment plan have ''specific measures'' that can ''take effect in any such case without further action by the State or the Administrator'' if the area fails to make reasonable further progress or attain the NAAQS. 42 U.S.C. 7502(c)(9). Section 175A of the CAA sets forth the contingency measure requirements for maintenance areas. Section 175A(d) requires that the maintenance plan contain ''such contingency provisions as the Administrator deems necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area''. 42 U.S.C. 7505a(d). Unlike section 172(c)(9) there is no requirement under section 175A that the contingency measures be set forth with specificity or that they be able to take effect without further action by EPA or the State.

With this statutory background in mind, EPA does not agree that the plan should be disapproved due to PADEP's alleged inability to promulgate a

[1] 882 F.3d 1138 (D.C. Cir. 2018).

[2] ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni Memo).

[3] The ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations. The design value for an ozone nonattainment area is the highest design value of any monitoring site in the area.

contingency measure in sufficient time to avert a violation of the NAAQS. As noted previously, CAA section 175A(d) mandates that a maintenance plan must contain ''such contingency provisions as the Administrator deems necessary to assure that the State will promptly *correct any violation* of the standard which occurs after the redesignation of the area as an attainment area'' (emphasis added). The statute therefore does not include any requirement that a maintenance plan's contingency measures *prevent* a violation of the NAAQS, but rather only that those selected measures be available to address a violation of the NAAQS after it already occurs. Pennsylvania also elected to adopt a ''warning level response,'' which states that PADEP will consider adopting contingency measures if, for two consecutive years, the fourth highest eight-hour ozone concentrations at any monitor in the area are above 84 parts per billion (ppb). But this warning level response is not required under the CAA, and therefore we do not agree with the commenter that the plan should be disapproved based on the commenter's concern over the timeliness of the warning level response implementation.

Moreover, as a general matter, we do not agree that the schedules for implementation of contingency provisions in the LMP are insufficient. As noted, the CAA provides some degree of flexibility in assessing a maintenance plan's contingency measures—requiring that the plan contain such contingency provisions ''as the Administrator deems necessary'' to assure that any violations of the NAAQS will be ''promptly'' corrected. EPA's longstanding guidance for redesignations, the Calcagni Memo, also does not provide precise parameters for what strictly constitutes ''prompt'' implementation of contingency measures, noting that, for purposes of CAA section 175A, ''a state is not required to have fully adopted contingency measures that will take effect without further action by the state in order for the maintenance plan to be approved.'' Calcagni memo at 12. However, the guidance does state that the plan should ensure that the measures are adopted ''expediently'' once they are triggered, and should provide ''a schedule and procedure for adoption and implementation, and a specific time limit for action by the state.'' *Id.* We think Pennsylvania's plan, which provides specific lists of regulatory and non-regulatory measures that Pennsylvania would consider after evaluating and assessing what it believed to be the cause of increased ozone concentrations, and the specific timeframes it would use to expediently implement the various measures, meets the requirements of CAA section 175A.

IV. Final Action

EPA is approving PADEP's second maintenance plan for the Clearfield/Indiana Area for the 1997 ozone NAAQS as a revision to the Pennsylvania SIP.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action, approving PADEP's second maintenance plan for the Clearfield/Indiana Area for the 1997 ozone NAAQS, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 26, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by adding the entry ''Second Maintenance Plan for the Clearfield/Indiana 1997 8-Hour Ozone Nonattainment Area'' at the end of the table to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Second Maintenance Plan for the Clearfield/Indiana 1997 8-Hour Ozone Nonattainment Area.	Clearfield/Indiana Area.	2/27/20	5/7/21, [insert **Federal Register** citation].	The Clearfield/Indiana area consists of Clearfield and Indiana Counties.

* * * * *

[FR Doc. 2021–09415 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–55; RM–11880; DA 21–476; FR ID 24746]

Television Broadcasting Services Kearney, Nebraska

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 12, 2021, the Media Bureau, Video Division (Bureau) issued a notice of proposed rulemaking in response to a petition for rulemaking filed by KHGI Licensee, LLC (Licensee), the licensee of KHGI, channel 13 (ABC), Kearney, Nebraska, requesting the substitution of channel 18 for channel 13 at Kearney in the DTV Table of Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends FCC regulations to substitute channel 18 for channel 13 at Kearney.

DATES: Effective May 7, 2021.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 86 FR 12161 on March 2, 2021. The Licensee filed comments in support of the petition reaffirming its commitment to applying for channel 18. No other comments were received. In support, the Licensee stated that the channel substitution will permit KHGI to better serve its viewers, who have experienced reception problems with VHF channel 13. The Bureau believes the public interest would be served by the channel substitution because it will result in improved service. In addition, operation on channel 18 will not result in any predicted loss of service and will increase the number of people served.

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 21–55; RM–11880; DA 21–476, adopted April 26, 2021, and released April 26, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

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

PART 73—RADIO BROADCAST SERVICE

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

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

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

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
NEBRASKA	
* * * * *	
Kearney	18
* * * * *	

[FR Doc. 2021–09692 Filed 5–6–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 210503–0095]

RIN 0648–BJ82

Pacific Island Fisheries; Mariana Archipelago Bottomfish Annual Catch Limits and Accountability Measures

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

ACTION: Final rule.

SUMMARY: In this final rule, NMFS implements bottomfish annual catch limits (ACL), and annual catch targets (ACT) and accountability measures (AM) to correct or mitigate any overages, for Guam and the Commonwealth of the Northern Mariana Islands (CNMI). The ACLs, ACTs, and AMs are effective for fishing years 2020–2022 in Guam, and for 2020–2023 in the CNMI. This rule also makes a minor technical correction to the regulations. This action supports the long-term sustainability of the bottomfish fisheries in the Mariana Archipelago.

DATES: This final rule is effective June 7, 2021. This final rule is applicable for Guam fisheries in fishing years 2020, 2021, and 2022, and for CNMI fisheries in 2020, 2021, 2022, and 2023.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Mariana Archipelago (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.*

Copies of the environmental analyses and other supporting documents for this action are available from *https://www.regulations.gov/docket?D=NOAA-NMFS-2020-0119,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Mark Fox, PIRO Sustainable Fisheries, 808–725–5171.

SUPPLEMENTARY INFORMATION: NMFS is implementing ACLs and ACTs for 13 bottomfish management unit species, including emperors, snappers, groupers, and jacks, as recommended by the Council. For Guam, the ACL is 27,000 lb (12,247 kg) for each fishing year 2020–2022; there is no ACT for Guam. For the CNMI, the ACL is 84,000 lb (38,102 kg) and the ACT is 78,000 lb (35,380 kg) for each fishing year 2020–2023. The fishing year is the calendar year.

NMFS is also implementing a post-season AM to mitigate the impact on the stocks if the fishery exceeds the ACL in any given year. NMFS and the Council will monitor the catch from both areas each year. If we determine that the average catch from the previous three years exceeds the specified ACL, we would reduce the ACL in the subsequent year by the amount of the overage through separate rulemaking. In the CNMI, if the catch exceeds the ACT but is below the ACL, we will not apply a post-season correction.

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), an ACT is an optional AM the Council may employ to reduce risk to stocks. The ACT, which is set lower than the ACL, acts as a buffer to prevent a fishery from exceeding the ACL. In this rule, if the average catch of the three most recent years exceeds the specified ACL in a fishing year, NMFS will reduce both the ACL and the ACT for the subsequent year by the amount of the overage in a separate rulemaking.

In 2019, the NMFS Pacific Islands Fisheries Science Center completed a benchmark stock assessment for Mariana bottomfish. The assessment concluded that the Guam bottomfish management unit stock complex was overfished in 2017, but not subject to overfishing. In February 2020, NMFS notified the Council of their obligations under the Magnuson-Stevens Act to rebuild the stock, and prepare and implement an FEP, FEP amendment, or proposed regulations by February 2022. Accordingly, this final rule implements ACLs for Guam through 2022, while the Council develops the necessary action to rebuild the stock.

Additional background information on this action is in the proposed rule published in the **Federal Register** on February 22, 2021 (85 FR 10526); we do not repeat it here.

Comments and Responses

On February 22, 2021, NMFS published a proposed rule, with supporting documents, and request for comments. The comment period ended on March 15, 2021. We received no comments.

Changes From the Proposed Rule

This final rule contains a minor technical change from the proposed rule. In the proposed rule, NMFS had proposed that, if the average catch of the three most recent years were to exceed the specified ACL or ACT in a fishing year, we would reduce the ACL and or ACT for the subsequent year by the amount of the overage in a separate rulemaking. The Council recommended, however, that NMFS apply a post-season AM only if the fishery exceeds the ACL. It did not include the application of an AM if the fishery exceeds only the ACT. Both the proposed rule preamble and the draft environmental assessment published with the proposed rule explained correctly that the post-season AM would apply only if the fishery exceeded the proposed ACL. NMFS received no comments on the draft proposed regulations as described in the environmental assessment.

We recognized the error in the proposed regulatory text after the comment period ended, and are correcting the regulatory text in this final rule. Accordingly, in 50 CFR 665.408, paragraph (b) reads that if the average catch of the three most recent years exceeds a given fishing year's ACL, NMFS will reduce the ACL and ACT for the subsequent year by the amount of the overage through a separate rulemaking. This correction aligns the rule with the Council's intent. The change presents no material effect on management of the fishery. The ACT is a post-season AM that is set below the ACL, and acts as a signal and potential buffer if the fishery is approaching the ACL. The ACT does not restrict fishing during the fishing year, so exceeding the ACT does not change the ACL or restrict the fishery.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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. NMFS received no comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

This final rule contains no information collection requirements

under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfish, Fisheries, Fishing, Guam, Mariana Archipelago, Northern Mariana Islands, Pacific Islands.

Dated: May 3, 2021.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for part 665 continues to read as follows:

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

■ 2. Add § 665.408 to read as follows:

§ 665.408 Annual Catch Limits (ACL) and Annual Catch Targets (ACT).

(a) In accordance with § 665.4, the ACL and ACT for Guam and CNMI bottomfish MUS fisheries for each fishing year are as follows:

TABLE 1 TO PARAGRAPH (a)

	2020	2021	2022
Guam:			
ACL (lb)	27,000	27,000	27,000

TABLE 2 TO PARAGRAPH (a)

	2020	2021	2022	2023
CNMI:				
ACL (lb)	84,000	84,000	84,000	84,000
ACT (lb)	78,000	78,000	78,000	78,000

(b) If the average catch of the three most recent years exceeds the specified ACL in a fishing year, the Regional Administrator will reduce the ACL and the ACT for the subsequent year by the amount of the overage in a separate rulemaking.

[FR Doc. 2021–09649 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 87
Friday, May 7, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Document No. AMS–LP–19–0093]

RIN 0581–AC06

Lamb Promotion, Research, and Information Order; Activity Changes; Comment Period Reopened

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Agricultural Marketing Service (AMS) is providing an additional 60 days for public comments on the proposed rule that would amend the Lamb Promotion, Research, and Information Order (Order). During the February 22, 2021, through March 24, 2021, comment period, AMS received two comments requesting additional time to analyze a potential volume threshold that would allow low-volume market agencies to be eligible for flexibilities to the proposed assessment remittance process. Such flexibilities would allow for very small, low-volume market agencies to utilize quarterly or yearly remittances, as opposed to the proposed monthly remittance process. The proposed flexibilities would reduce the regulatory burden for affected market agencies.

DATES: The comment period for the proposed rule originally published on October 5, 2020, at 85 FR 62617, is reopened. Comments must be received by July 6, 2021.

ADDRESSES: Comments should be posted online at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–LP–19–0093, the date of publication, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jason Julian, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2627–S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250–0251. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Julian, Agricultural Marketing Specialist, Research and Promotion Division, Livestock and Poultry Program, AMS, USDA; telephone: (202) 731–2149; or email: *jason.julian@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background and Proposed Action

AMS proposed revisions to the assessment collection procedures that would require market agencies to collect the full assessment on sales of live lambs, including the first-handler assessment portion, for remittance to the Lamb Promotion, Research, and Information Board. The proposed assessment collection change would only apply to lambs sold through market agencies (*e.g.,* commission merchant, auction market, livestock market). Other modes of sale, such as traditional markets (*e.g.,* first handler purchases from a producer or feeder, independent of a market agency, direct sales) would continue to have assessments remitted through the pass-through collection process.

This document notifies the public of the reopening of the comment period from May 7, 2021 to July 6, 2021. Comments previously submitted during the initial 60-day comment period [October 5, 2020, through December 4, 2020] and the subsequent 30-day reopened comment period [February 22, 2021, through March 24, 2021] need not be resubmitted, as these comments are already incorporated into the public record and will be considered in the final rule.

Public Comment Requested

AMS received 11 comments from stakeholders during the initial sixty-day comment period. These comments represent the perspectives of various organizations and individuals within the stakeholder community and provided AMS additional context for decision making.

AMS reopened the comment period to encourage additional input on a topic identified by one commenter during the initial comment period.

The commenter requested that AMS consider allowing flexibility in the remittance of collected assessments by lower-volume or seasonal market agencies. The commenter suggested that requiring smaller market agencies to remit assessments every month, regardless of their sales volume, could be burdensome for those entities with very small volumes. The commenter asked AMS to consider additional flexibility for small market agencies by allowing them to remit accumulated assessments on a quarterly or annual basis. The proposed rule would require that remittances occur by the 15th day of the month following the month in which lambs were purchased for slaughter or export, regardless of sales volume for that month. The commenter suggested such flexibilities for small market agencies could be based on the average head of lamb sold annually, allowing markets below a specific threshold to remit on a quarterly or annual basis.

AMS is again reopening the comment period to encourage additional input on a topic identified by two commenters during the 30-day reopening comment period from February 22, 2021, to March 24, 2021. The two commenters requested additional time to gather and analyze more data to address the questions asked by AMS in the reopened 30-day comment period; hence the purpose of this notice.

In the previous comment period, AMS sought additional information from stakeholders to consider this type of flexibility. AMS is again seeking comments on the following questions:

1. What level or threshold should AMS consider as a low-volume market agency that might be eligible for additional flexibility?

2. Approximately how many market agencies would fit into such a category?

3. How would this type of flexibility reduce regulatory burden for those market agencies?

AMS seeks input on other appropriate thresholds—such as monthly or quarterly sales volume—to identify market agencies that might be eligible for regulatory flexibility regarding assessment remittance under the amended regulations. Any comments

should be supported by data that is clearly quantified and explained.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–09642 Filed 5–6–21; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[NRC–2018–0300]

RIN 3150–AK54

Categorical Exclusions From Environmental Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing an advance notice of proposed rulemaking to obtain input from stakeholders on its plan to amend NRC regulations on categorical exclusions for licensing, regulatory, and administrative actions that individually or cumulatively do not have a significant effect on the human environment. The NRC will consider public comments received on its potential changes and on questions related to categorical exclusions to inform a rulemaking that is planned for publication in fiscal year 2022. The NRC will hold a public meeting during the comment period to facilitate public participation.

DATES: Submit comments by July 21, 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 before this date.

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

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0300. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *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: Gregory Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6244, email: *Gregory.Trussell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0300 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–2018–0300.
- *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.*
- *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 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2018–0300 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

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to deciding whether to approve or disapprove the proposed action. There are three types of NEPA analyses: An environmental impact statement (EIS), an environmental assessment (EA), or a categorical exclusion. An EA is a concise document that provides sufficient evidence and analysis for determining whether to prepare an EIS or make a finding of no significant impact (FONSI). If an EA supports a FONSI, the environmental review process is complete. If the EA reveals that the proposed action may have a significant effect on the human environment, the Federal agency then prepares an EIS. An EIS documents an agency's evaluation of the environmental impacts of a major Federal action significantly affecting the quality of the human environment.

A categorical exclusion, by contrast, falls into the category of actions that do not have a significant effect on the human environment, as defined by a Federal agency in its procedures implementing NEPA. If the Federal agency finds that actions in a given category have repeatedly been shown to have no significant effect on the human environment, either individually or cumulatively, then the agency may establish a categorical exclusion for that category of action. Once it has established a categorical exclusion, the agency is not required to prepare an EA or EIS for any action that falls within the scope of the categorical exclusion, unless the agency finds, for any particular action, that there are special (*e.g.,* unique, unusual, or controversial) circumstances that would preclude use of the categorical exclusion.

The regulations in § 51.22 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review,'' specify actions that the NRC has determined not to have significant

environmental impacts. On September 24, 2003, the Council on Environmental Quality (CEQ) National Environmental Policy Act Task Force published a report, ''Modernizing NEPA Implementation'' (Task Force Report), that recommended Federal agencies examine their categorical exclusion regulations to identify potential revisions that would eliminate unnecessary and costly EAs. The Task Force Report recommends the use of information from past actions to establish the basis for the no significant effects. It also provides that criteria for identifying new categorical exclusions should include: (1) Repetitive actions that do not individually or cumulatively have significant effects on the human environment; (2) actions that generally require limited environmental review; and (3) actions that are noncontroversial. The NRC last amended § 51.22(c) in 2010 (April 10, 2010; 75 FR 20248). On December 6, 2010, CEQ issued final guidance on categorical exclusions (75 FR 75628). Consistent with CEQ guidance, the NRC periodically reviews existing categorical exclusions to ensure their continued appropriate use and usefulness.

Recently the NRC reviewed its environmental programs and organization to identify potential opportunities to continue to meet its NEPA obligations in different ways that would enhance the process, save time, and reduce resources. One of the opportunities identified was the possibility of creating new or revised categorical exclusions. By identifying those actions that do not have the potential to significantly affect the environment, the NRC will ensure that it is focused on those actions with possibly new or significant environmental impacts. Further, the review for categorical exclusions ensures the NRC's environmental review program is more aligned with CEQ's best practices.

III. Regulatory Objectives

Categorical exclusions streamline the NEPA process, saving time, effort, and resources by eliminating the preparation of EAs for NRC regulatory actions that have no significant effect on the human environment. Through internal discussions, the NRC has identified potential new categorical exclusions, areas where the scope of existing categories could be clarified, and where ambiguity in the criteria has created inconsistencies between existing excluded categories. In addition, the NRC is evaluating existing categorical exclusions to determine if any are no longer necessary or have proven to no longer meet the criteria for categorical exclusion. Amending § 51.22(c) would increase efficiencies and consistency in the implementation of categorical exclusions and ensure applicable NRC regulatory actions are completed in a more efficient, effective, and timely manner. Through this advance notice of proposed rulemaking, the NRC requests public input on potential revisions to § 51.22(c).

IV. Specific Areas of Consideration and Questions

The NRC is seeking stakeholder input on areas under consideration for potential change. The NRC asks that commenters provide the bases for their comments (*i.e.,* the underlying rationale for the position stated in the comment) to enable the agency to have a complete understanding of the comments.

The NRC is considering revisions to categorical exclusions on the following basis, unless otherwise specified in the next section:

1. The NRC has identified recurring actions that may be eligible for categorical exclusion because these actions do not result in environmental impacts and that are considered noncontroversial.

2. Other potential candidates for categorical exclusion include those where, after completing multiple EAs, the NRC has always concluded there are no findings of significant impacts and is not aware of any reason that future EAs would reach a different result.

Summary of Potential Rulemaking Changes to § 51.22(c) Under Consideration

- Reorganization of the list of categorical exclusions to eliminate redundancy and add clarity.
- Revisions to eliminate distinctions in categorical exclusions between license amendments, exemptions, rulemaking, and other forms of NRC actions, to ensure that categorical exclusions are based on the activities that would be authorized rather than the administrative and legal differences between the different forms of NRC approvals. For example, the NRC might revise a categorical exclusion from ''Issuance of an amendment to a permit or license issued under this chapter which. . .'' to ''An action under this chapter that. . .''
- Revisions to consolidate categorical exclusions for exemptions into one category, for example, by moving the criterion for exemptions related to installation or use of a facility component located within the restricted area.
- Revisions to categorically exclude license terminations that are administrative acts that do not have the potential to affect the environment such as termination of licensees for which no construction or pre-construction activities have occurred or where all decommissioning activities have been completed and approved and license termination is a final administrative step.
- Revisions to categorically exclude the NRC's concurrence, under the Atomic Energy Act of 1954, as amended (AEA), § 274c., on termination by an Agreement State of licenses for AEA § 11e.(2) byproduct material where all decommissioning activities have been completed and approved and NRC's concurrence is a final administrative step.
- Revisions to categorically exclude issuance of exemptions to low-level waste disposal sites for the storage and disposal of special nuclear material regulated by Agreement States.
- Revisions to remove or clarify no significant hazards considerations criteria in existing categorical exclusions because these criteria are related to a process for some license amendments for reactor licenses (from § 50.92, ''Issuance of amendment''), not environmental reviews, and are not relevant to materials licenses (*e.g.,* 10 CFR part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material,'' or part 40, ''Domestic Licensing of Source Material,'' licenses).
- Revisions to categorically exclude actions authorizing licensees to delay implementation of certain new NRC requirements, for example, where the new requirements were previously found to not result in an environmental impact.
- Revisions to categorically exclude approval of relief and alternative requests under 10 CFR 50.55a, ''Codes and standards.''
- Revisions to categorically exclude issuance of new, amended, revised, and renewed certificates of compliance for cask designs used for spent fuel storage and transportation (issued as amendments to 10 CFR 72.214, ''List of approved spent fuel storage casks'').
- Revisions to categorically exclude approval of decommissioning funding plans submitted under 10 CFR parts 30, 40, 70, ''Domestic Licensing of Special Nuclear Material,'' or 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste.''
- Revisions to categorically exclude approvals of certain long-term

surveillance plans of decommissioned uranium mills. However, long-term surveillance plans that include groundwater monitoring might not be included in the categorical exclusion.

• Revisions to categorically exclude authorizations to revise emergency plans for administrative changes such as reduction in staffing.

• Revisions to categorically exclude approvals for alternative waste disposal procedures for reactor and material licenses in accordance with § 20.2002, ''Method for obtaining approval of proposed disposal procedures.''

• Revisions to categorically exclude NRC actions during decommissioning that do not authorize changes to physical structures such as changes to administrative, organizational, or procedural requirements; and therefore, do not include activities that have environmental impacts.

• Revisions to include references to the definition of construction in § 51.4, ''Definitions,'' after the phrase ''significant construction impacts'' to clarify this term where it is used in various categorical exclusions.

Additional Questions

Question (1) Are there licensing and regulatory actions that do not or have not resulted in environmental impacts that the NRC should consider as a categorical exclusion?

Question (2) Are there any categorical exclusions that are listed in 10 CFR 51.22(c) that the NRC should consider modifying or clarifying? For example, are there categorical exclusions that licensees, applicants, or members of the public have found confusing?

Question (3) Are there any current categorical exclusions (§ 51.22(c)) that the NRC should consider removing? For example, are there categorical exclusions that are no longer in use, or are there activities listed that have been shown to have an environmental impact?

Question (4) Are there aspects of NRC authorized changes to previously approved programs, such as emergency plans, cybersecurity programs, quality assurance programs, radiation protection programs, or materials control and accounting programs that the NRC should consider categorically excluding?

Question (5) Is there anything else that the NRC should consider regarding its regulations for categorical exclusions?

V. Public Meeting

The NRC will conduct a public meeting to discuss the potential rulemaking and answer questions. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website at least ten calendar days before the meeting. Interested members from the public should monitor the NRC's public meeting website for information about the public meeting at: *https://www.nrc.gov/public-involve/public-meetings/index.cfm.* In addition, the meeting information will be posted on *https://www.regulations.gov/* under Docket ID NRC–2018–0300.

VI. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

VII. Rulemaking Process

The NRC does not intend to provide a detailed response to individual comments submitted on this advance notice of proposed rulemaking; however, the NRC will evaluate all public input in the development of a proposed rule. If the NRC determines a need for supporting guidance, the NRC will issue the draft guidance for public comment. The NRC will provide another opportunity for public comment for any subsequent proposed rule developed before it is finalized.

Dated: April 30, 2021.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Executive Director for Operations.

[FR Doc. 2021–09675 Filed 5–6–21; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE–2016–BT–STD–0004]

RIN 1904–AD61

Energy Conservation Program: Test Procedures and Energy Conservation Standards for Circulator Pumps and Small Vertical In-Line Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'' or ''the Department'') is restarting rulemaking activities to consider potential test procedures and energy conservation standards for circulator pumps and small vertical in-line pumps. Consensus recommendations for test procedures and energy conservation standards were negotiated in 2016 by a stakeholder working group of the Appliance Standards Rulemaking Federal Advisory Committee (''ASRAC''). Through this request for information (''RFI''), DOE seeks data and information regarding development and evaluation of new test procedures that would be reasonably designed to produce test results which reflect energy use during a representative average use cycle for the equipment without being unduly burdensome to conduct. Additionally, this RFI solicits information regarding the development and evaluation of potential new energy conservation standards for circulator pumps and small vertical in-line pumps, and whether such standards would result in significant energy savings and be technologically feasible and economically justified. DOE also welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before July 6, 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: *circpumps2016std0004@ee.doe.gov.* Include ''Circulator Pumps RFI'' and docket number EERE–2016–BT–STD–0004 and/or RIN number 1904–AD61 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 mail 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 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.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

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: *https://beta.regulations.gov/docket/EERE-2016-BT-STD-0004.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section IV for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, 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) 586–9870. 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.*

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I. Introduction

Pumps are included in the list of ''covered equipment'' for which DOE is authorized to establish test procedures and energy conservation standards. (42 U.S.C. 6311(1)(A)) Circulator and small vertical in-line (''SVIL'') pumps, which are the subject of this notification, are categories of pumps. Currently, circulator pumps and SVIL pumps are not subject to DOE test procedures or energy conservation standards. The following sections discuss DOE's authority to establish test procedures and energy conservation standards for circulator pumps and SVIL pumps and relevant background information regarding DOE's consideration of establishing Federal regulations for these equipment types.

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] 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 C[2] of EPCA, added by Public Law 95–619, Title IV, section 441(a) (42 U.S.C. 6311–6317 as codified), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This equipment includes pumps, the subject of this document. (42 U.S.C. 6311(1)(A))

[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 Part A–1.

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).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and 42 U.S.C. 6316(b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

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 must 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 energy efficiency, energy use or estimated annual operating cost of a given type of covered 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))

Before prescribing any final test procedures, the Secretary must publish proposed test procedures in the **Federal Register**, and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b))

In proposing new standards, DOE must evaluate that proposal against the criteria of 42 U.S.C. 6295(o), as described in section I.C, and follow the

rulemaking procedures set out in 42 U.S.C. 6295(p). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)) DOE is publishing this RFI consistent with its obligations in EPCA.

B. Rulemaking History

As stated, ''pumps'' are listed as a type of industrial equipment covered by EPCA, although EPCA does not define the term ''pump.'' (42 U.S.C. 6311(1)(A)) In a final rule published January 25, 2016, DOE established definitions applicable to pumps and test procedures for certain pumps. 81 FR 4086 (''January 2016 TP final rule''). ''Pump'' is defined as equipment designed to move liquids (which may include entrained gases, free solids, and totally dissolved solids) by physical or mechanical action and includes a bare pump and, if included by the manufacturer at the time of sale, mechanical equipment, driver, and controls. 10 CFR 431.462. This definition includes circulator pumps and SVIL pumps, but such pumps are not currently subject to the established Federal test procedure or energy conservation standards.

The established test procedure for pumps is applicable to certain categories of clean water pumps,[3] specifically those that are end suction close-coupled; end suction frame mounted/own bearings; in-line (''IL''); radially split, multi-stage, vertical, in-line diffuser casing; and submersible turbine (''ST'') pumps with the following characteristics:

- Flow rate of 25 gallons per minute (''gpm'') or greater (at best efficiency point (''BEP'') and full impeller diameter);
- 459 feet of head maximum (at BEP and full impeller diameter and the number of stages specified for testing);
- Design temperature range from 14 to 248 °F;
- Designed to operate with either (1) a 2- or 4-pole induction motor, or (2) a non-induction motor with a speed of rotation operating range that includes speeds of rotation between 2,880 and 4,320 revolutions per minute (''rpm'') and/or 1,440 and 2,160 rpm, and in either case, the driver and impeller must rotate at the same speed;
- 6-inch or smaller bowl diameter for ST pumps; and
- For ESCC and ESFM pumps, a specific speed less than or equal to 5,000 when calculated using U.S. customary units.
- Except for: Fire pumps, self-priming pumps, prime-assist pumps, magnet driven pumps, pumps designed to be used in a nuclear facility subject to 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities''; and pumps meeting the design and construction requirements set forth in any relevant military specifications.[4]

10 CFR 431.464(a)(1)

The pump categories subject to the current test procedures are referred to as ''general pumps'' in this document. As stated, circulator pumps and SVIL pumps are not general pumps.

DOE also published a final rule establishing energy conservation standards applicable to certain classes of general pumps. 81 FR 4368 (Jan. 26, 2016) (''January 2016 ECS final rule''); *see also,* 10 CFR 431.465.

The January 2016 TP final rule and the January 2016 ECS final rule implemented the recommendations of the Commercial and Industrial Pump Working Group (''CIPWG'') established through the ASRAC to negotiate standards and a test procedure for general pumps. (Docket No. EERE–2013–BT–NOC–0039) The CIPWG concluded its negotiations on June 19, 2014, with a consensus vote to approve a term sheet containing recommendations to DOE on appropriate standard levels for general pumps, as well as recommendations addressing issues related to the metric and test procedure for general pumps (''CIPWG recommendations''). (Docket No. EERE–2013–BT–NOC–0039, No. 92) Subsequently, ASRAC voted unanimously to approve the CIPWG recommendations during a July 7, 2014 webinar. The term sheet containing the CIPWG recommendations is available in the CIPWG's docket. The CIPWG recommendations included initiation of a separate rulemaking for circulator pumps. (Docket No. EERE–2013–BT–NOC–0039, No. 92, Recommendation #5A at p. 2)

On February 3, 2016, DOE published a Notice of Intent to Establish the Circulator Pumps Working Group to Negotiate a Notice of Proposed Rulemaking (''NOPR'') for Energy Conservation Standards for Circulator Pumps to negotiate, if possible, Federal standards and a test procedure for circulator pumps and to announce the first public meeting. 81 FR 5658. The members of the Circulator Pumps Working Group (''CPWG'') were selected to ensure a broad and balanced array of interested parties and expertise, including representatives from efficiency advocacy organizations and manufacturers. Additionally, one member from ASRAC and one DOE representative were part of the CPWG. Table I.1 lists the members of the CPWG and their affiliations.

TABLE I.1—ASRAC CPWG MEMBERS AND AFFILIATIONS

Member	Affiliation	Abbreviation
Charles White	Plumbing-Heating-Cooling Contractors Association	PHCC.
Gabor Lechner	Armstrong Pumps, Inc	Armstrong.
Gary Fernstrom	California Investor-Owned Utilities	CA IOUs.
Joanna Mauer	Appliance Standards Awareness Project	ASAP.
Joe Hagerman	U.S. Department of Energy	DOE.
Laura Petrillo-Groh	Air-Conditioning, Heating, and Refrigeration Institute	AHRI.
Lauren Urbanek	Natural Resources Defense Council	NRDC.
Mark Chaffee	TACO, Inc	Taco.
Mark Handzel	Xylem Inc	Xylem.
Peter Gaydon	Hydraulic Institute	HI.
Richard Gussert	Grundfos Americas Corporation	Grundfos.
David Bortolon	Wilo Inc	Wilo.

[3] A ''clean water pump'' is a pump that is designed for use in pumping water with a maximum non-absorbent free solid content of 0.016 pounds per cubic foot, and with a maximum dissolved solid content of 3.1 pounds per cubic foot, provided that the total gas content of the water does not exceed the saturation volume, and disregarding any additives necessary to prevent the water from freezing at a minimum of 14 °F. 10 CFR 431.462.

[4] *I.e.,* MIL–P–17639F, ''Pumps, Centrifugal, Miscellaneous Service, Naval Shipboard Use'' (as amended); MIL–P–17881D, ''Pumps, Centrifugal, Boiler Feed, (Multi-Stage)'' (as amended); MIL–P–17840C, ''Pumps, Centrifugal, Close-Coupled, Navy Standard (For Surface Ship Application)'' (as amended); MIL–P–18682D, ''Pump, Centrifugal, Main Condenser Circulating, Naval Shipboard'' (as amended); and MIL–P–18472G, ''Pumps, Centrifugal, Condensate, Feed Booster, Waste Heat Boiler, And Distilling Plant'' (as amended). Military specifications and standards are available at *http://everyspec.com/MIL-SPECS.*

TABLE I.1—ASRAC CPWG MEMBERS AND AFFILIATIONS—Continued

Member	Affiliation	Abbreviation
Russell Pate	Rheem Manufacturing Company	Rheem.
Don Lanser	Nidec Motor Corporation	Nidec.
Tom Eckman	Northwest Power and Conservation Council (ASRAC member)	NPCC.

The CPWG commenced negotiations at an open meeting on March 29, 2016, and held six additional meetings to discuss scope, metrics, and the test procedure. The CPWG concluded its negotiations for test procedure items on September 7, 2016, with a consensus vote to approve a term sheet containing recommendations to DOE on scope, metric, and the basis of the test procedure (''September 2016 CPWG Recommendations''). The term sheet containing these recommendations is available in the CPWG docket. (Docket No. EERE–2016–BT–STD–0004, No. 58)

The CPWG continued to meet to address potential energy conservation standards for circulator pumps. Those meetings began on November 3–4, 2016 and concluded on December 1, 2016, with approval of a second term sheet (''December 2016 CPWG Recommendations'') containing CPWG recommendations related to energy conservation standards, applicable test procedure, labeling and certification requirements for circulator pumps. (Docket No. EERE–2016–BT–STD–0004, No. 98) ASRAC subsequently voted unanimously to approve the September and December 2016 CPWG Recommendations (collectively, the ''2016 Term Sheets'') during a December meeting. (Docket No. EERE–2013–BT–NOC–0005, No. 91 at p. 2) [5]

In a letter dated June 9, 2017, HI expressed its support for the process that DOE initiated regarding circulator pumps and encouraged the publishing of a NOPR and a final rule by the end of 2017. (Docket No. EERE–2016–BT–STD–0004, HI, No.103 at p. 1) In response to an early assessment review RFI published September 28, 2020 regarding the existing test procedures for certain pumps (85 FR 60734, ''September 2020 Early Assessment RFI), HI commented that it continues to support the recommendations from the CPWG. (Docket No. EERE–2020–BT–TP–0032, HI, No. 6 at p. 1) In addition, NEEA commented that the CPWG recommended adopting test procedures for circulator pumps, which DOE should do in the pumps or a separate rulemaking. (Docket No. EERE–2020–BT–TP–0032, NEEA, No. 8 at p. 8)

C. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered equipment. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)) The Secretary may not prescribe an amended or new standard that will not result in significant conservation of energy, or is not technologically feasible or economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3)(B))

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the affected products;

(2) The savings in operating costs throughout the estimated average life of the product compared to any increases in the initial cost, or maintenance expenses;

(3) The total projected amount of energy and water (if applicable) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.2 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.2—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Determination.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product	• Markups for Product Price Determination. • Energy and Water Use Determination. • Life-Cycle Cost and Payback Period Analysis.

[5] All references in this document to the approved recommendations included in 2016 Term Sheets are noted with the recommendation number and a citation to the appropriate document in the CPWG docket (*e.g.,* Docket No. EERE–2016–BT–STD–0004, No. #, Recommendation #X at p. Y). References to discussions or suggestions of the CPWG not found in the 2016 Term Sheets include a citation to meeting transcripts and the commenter, if applicable (*e.g.,* Docket No. EERE–2016–BT–STD–0004, [Organization], No. X at p. Y).

TABLE I.2—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS—Continued

EPCA requirement	Corresponding DOE analysis
3. Total Projected Energy Savings	• Shipments Analysis.
4. Impact on Utility or Performance	• National Impact Analysis. • Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits. • Regulatory Impact Analysis.

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE will ultimately rely to determine whether (and if so, how) to establish the standards for circulator pumps and SVIL pumps.

II. Request for Information and Comments Pertaining to Potential Test Procedure

In the following sections, DOE has identified a variety of issues on which it seeks input to assist in its evaluation of potential test procedures for circulator pumps and SVIL pumps, to ensure that any such test procedures would comply with the requirements in EPCA that they be reasonably designed to produce test results which reflect energy use during a representative average use cycle, without being unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

A. Scope and Definitions

In the January 2016 TP final rule, DOE adopted a definition for pump, as well as definitions for pump categories and other pump component- and configuration-related definitions. 10 CFR 431.462. Although circulator pumps are a style of pump, DOE did not define circulator pump. 81 FR 4086, 4094 (Jan. 25, 2016). In addition, although DOE established a definition for inline pumps, the definition requires the pump to have a shaft input power greater than 1 hp and therefore excludes the SVIL pumps considered in this RFI because SVIL pumps have a shaft input power less than 1 hp.[6]

The September 2016 CPWG recommendations addressed the scope of a circulator pumps rulemaking. Specifically, the CPWG recommended that the scope of the circulator pumps test procedure and energy conservation standards cover clean water pumps (as defined at 10 CFR 431.462) distributed in commerce with or without a volute[7] and that are one of the following categories: Wet rotor circulator pumps, dry rotor close-coupled circulator pumps, and dry rotor mechanically-coupled circulator pumps. The CPWG also recommended that the scope exclude submersible pumps and header pumps. (Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendations #1A, 2A and 2B at p. 1–2) The CPWG also recommended the following definitions relevant to scope:

Wet rotor circulator pump means a single stage, rotodynamic, close-coupled, wet rotor pump. Examples include, but are not limited to, pumps generally referred to in industry as CP1.

Dry rotor, two-piece circulator pump means a single stage, rotodynamic, single-axis flow, close-coupled, dry rotor pump that: (1) Has a hydraulic power less than or equal to five horsepower at best efficiency point at full impeller diameter, (2) is distributed in commerce with a horizontal motor, and (3) discharges the pumped liquid through a volute in a plane perpendicular to the shaft. Examples include, but are not limited to, pumps generally referred to in industry as CP2.

Dry rotor, three-piece circulator pump means a single stage, rotodynamic, single-axis flow, mechanically-coupled, dry rotor pump that: (1) Has a hydraulic power less than or equal to five horsepower at best efficiency point at full impeller diameter, (2) is distributed in commerce with a horizontal motor, and (3) discharges the pumped liquid through a volute in a plane perpendicular to the shaft. Examples include, but are not limited to, pumps generally referred to in industry as CP3.

Horizontal motor means a motor that requires the motor shaft to be in a horizontal position to function as designed under typical operating conditions, as specified in manufacturer literature.

Submersible pump means a pump that is designed to be operated with the motor and bare pump fully submerged in the pumped liquid.

Header pump means a pump that consists of a circulator-less-volute intended to be installed in an original equipment manufacturer (''OEM'') piece of equipment that serves as the volute.

(Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendations #2B, 3A, and 3B at p. 2–3)

DOE notes that the orientation of the motor is used to differentiate IL pumps from other pumps. As noted, the definition of IL pump excludes pumps that are distributed in commerce with a horizontal motor. 10 CFR 431.462. DOE currently defines a ''horizontal motor'' as a motor that requires the motor shaft to be in a horizontal position to function as designed, as specified in the manufacturer literature. *Id.*

The definition of horizontal motor recommended by the CPWG includes ''under typical operating conditions'' to qualify ''function as designed.'' The CPWG stated that this qualifier was added to address the potential that a motor would not be covered as a horizontal motor if a manufacturer were to advertise its circulator as being able to be installed in a non-horizontal orientation under certain conditions, such as high operating pressure (*i.e.,* conditions other than typical conditions). (Docket No. EERE–2016–BT–STD–0004, No. 64 at pp. 75–83) The CPWG stated that the requirement to consider motor installation in the context of typical operating conditions, as specified in the manufacturer literature, would address this potential. (Docket No. EERE–2016–BT–STD–0004, No. 66 at pp. 55–57)

The definition for submersible pump is consistent with that already applicable to pumps in 10 CFR 431.462. The recommended definition for header pump is discussed in section II.A of this document.

[6] As noted, an inline pump must have a shaft input power greater than or equal to 1 hp and less than or equal to 200 hp at BEP and full impeller diameter, in which liquid is discharged through a volute in a plane perpendicular to the shaft. See 10 CFR 431.462.

[7] Volutes are also sometimes referred to as a ''housing'' or ''casing.''

DOE requests comment on the CPWG's recommended definitions for wet rotor circulator pump; dry rotor, two-piece circulator pump; dry rotor, three-piece circulator pump; and horizontal motor. Specifically, DOE requests comment regarding whether changes in the market since the CPWG's recommendation would affect the recommended definitions and scope.

1. Definitions for Circulator Pumps

In addition to the circulator pump categories discussed in II.A of this document, circulator pumps can also be differentiated based on the configuration in which they are sold. Certain specific instances of this are discussed in sections II.A.1.a and II.A.1.b of this document.

a. Circulators-Less-Volute and Header Pumps

Some circulator pumps are distributed in commerce as a complete assembly with a motor, impeller, and volute, while other circulator pumps are distributed in commerce with a motor and impeller, but without a volute (herein referred to as ''circulators-less-volute''). Some circulators-less-volute are solely intended to be installed in other equipment, such as a boiler, using a cast piece in the other piece of equipment as the volute, while others can be installed as a replacement for a failed circulator pump in an existing system or to be newly installed with a paired volute in the field. (Docket No. EERE–2016–BT–STD–0004, No. 47 at pp. 371–372; Docket No. EERE–2016–BT–STD–0004, No. 70 at p. 98)

In reviewing the definition of a pump, the CPWG stated that circulator pumps distributed in commerce without volutes fall under the definition of pump as defined in the January 2016 TP final rule. (Docket No. EERE–2016–BT–STD–0004, No. 70 at pp. 89–91) Further, the CPWG asserted that, if a circulator-less-volute was not subject to any adopted test procedure and standards, this could present a loophole since a circulator-less-volute and matching volute could easily be purchased and installed instead of a compliant circulator pump with a volute. (Docket No. EERE–2016–BT–STD–0004, No. 74 at pp. 383–403)

However, the CPWG discussed that a circulator-less-volute (header pump) that is solely intended to be installed in other equipment, uses the other equipment as the volute, and does not have a matching volute that is separately distributed in commerce would not pose the same loophole risk and, furthermore, would be very difficult to test. Specifically, the CPWG discussed how circulator manufacturers would not have access to or design authority for the volute design. In addition, the circulator could not be tested as a standalone circulator because the volute would be unable to be removed from the other equipment, and there would be no paired volute distributed in commerce with which the header pump could be tested. Therefore, such equipment would potentially require extensive and burdensome equipment to test appropriately. (Docket No. EERE–2016–BT–STD–0004, No. 74 at pp. 413–416)

The CPWG recommended excluding circulator pumps that are distributed in commerce exclusively to be incorporated into other OEM equipment, such as boilers or pool heaters. (Docket No. EERE–2016–BT–STD–0004, No. 74 at pp. 415–416) The CPWG suggested referring to these circulator-less-volute pumps that are intended solely for installation in another piece of equipment and do not have a paired volute that is distributed in commerce as ''header pumps.'' (Docket No. EERE–2016–BT–STD–0004, No. 74 at pp. 384–386). Specifically, in the September 2016 CPWG recommendations, the CPWG recommended to differentiate header pumps from other circulator-less-volute pumps by defining header pump as a pump that consists of a circulator-less-volute intended to be installed in an OEM piece of equipment that serves as the volute, and to exclude them from the recommended circulator test procedure and standards. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #2B at p. 2)

DOE requests comment regarding whether the market changes in the intervening years since the CPWG's recommendation of a definition for ''header pump'' warrant modification of that recommended definition.

b. On-Demand Circulator Pumps

On-demand circulator pumps are designed to maintain hot water supply within a temperature range by activating in response to a signal, such as user presence. The CPWG recommended that the following definition for ''on-demand circulator pumps'' be incorporated as necessary:

''On-demand circulator pump'' means a circulator pump that is distributed in commerce with an integral control that:

- Initiates water circulation based on receiving a signal from the action of a user [of a fixture or appliance] or sensing the presence of a user of a fixture and cannot initiate water circulation based on other inputs, such as water temperature or a pre-set schedule.
- Automatically terminates water circulation once hot water has reached the pump or desired fixture.
- Does not allow the pump to operate when the temperature in the pipe exceeds 104 °F or for more than 5 minutes continuously.

(Docket No. EERE–2016–BT–STD–0004, No. 98 Non-Binding Recommendation #1 at pp. 4–5)

In addition, the on-demand circulator pump must not be capable of operating without the control without physically destructive modification of the unit, such as any modification that would violate the product's standards listing.

DOE requests comment regarding the CPWG-recommended definition of ''on-demand circulator pump'' and whether it is appropriate to retain on-demand circulator pumps within the scope of future analysis.

2. Definition of Small Vertical In-Line Pump

During the course of the negotiations, the CPWG also discussed and provided recommendations related to SVIL pumps. As noted, SVIL pumps are similar to IL pumps, but have a shaft input power lower than pumps included in the scope of the general pumps test procedure. Specifically, SVIL pumps are described as IL style pumps with a shaft input power of less than 1 hp at BEP at full impeller diameter and are distinguished from dry-rotor circulator pumps by having a motor that does not have to be configured in a horizontal position. The CPWG found that SVIL pumps could serve similar functions as some dry rotor circulator pumps. (Docket No. EERE–2016–BT–STD–0004, No. 66 at p. 11, 52) Additionally, the CPWG stated that because they serve similar functions to some dry rotor circulator pumps, SVIL pumps pose a substitution risk and recommended that SVIL pumps be addressed as part the circulator pumps rulemaking. (Docket No. EERE–2016–BT–STD–0004, No. 66 at p. 27–30) Specifically, the CPWG recommended that SVIL pumps be evaluated on the PEI_{CL} or PEI_{VL} metric, similar to commercial and industrial pumps (''CIP''),[8] and use the CIP test procedure to measure performance, with any additional modifications necessary as determined by DOE. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #1B at pp. 1–2) Potential test procedures and metric for SVIL pumps are discussed further in section II.D.

In order to distinguish SVIL pumps from dry rotor circulator pumps, the

[8] Commercial and industrial pumps are referred to as ''general pumps'' throughout this document.

CPWG recommended the following definition for SVIL pumps:

''Small vertical in-line pump'' means a single stage, single-axis flow, dry rotor, rotodynamic pump that:

(1) Has a shaft input power less than 1 horse power at best efficiency point at full impeller diameter,

(2) Is distributed in commerce with a motor that does not have to be in a horizontal position to function as designed, and

(3) Discharges the pumped liquid through a volute in a plane perpendicular to the shaft.

(Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendation #3C at p. 3)

DOE seeks comment and feedback on the scope and definitions recommended by the CPWG, including whether anything has changed in the market since the conclusion of the CPWG that would impact the recommended scope and definitions for SVIL pumps.

DOE seeks feedback and information regarding whether it may be appropriate to include SVIL pumps in the circulator pumps rulemaking, in the commercial and industrial pumps rulemaking, or in a separate rulemaking.

DOE seeks comment regarding any other topics related to scope and definitions for circulator pumps and SVIL pumps.

B. Metric for Circulator Pumps

The CPWG focused on defining a performance-based metric that was similar to the pump energy index (''PEI'') metric established in the January 2016 TP final rule. (Docket No. EERE–2016–BT–STD–0004, No. 64 at pp. 246–247) The CPWG recommended using the PEI_{CIRC} metric, which would be defined as the pump energy rating (''PER'') for the rated circulator pump model (''PER_{CIRC}''), divided by the PER for a circulator that is minimally compliant with energy conservation standards serving the same hydraulic load (''$PER_{CIRC,STD}$''). (Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendation #5 at p. 4)

The equation for PEI_{CIRC} is shown in the equation (1):

$$PEI_{CIRC} = \left[\frac{PER_{CIRC}}{PER_{CIRC,STD}}\right] \quad (1)$$

Where:

PER_{CIRC} = circulator pump energy rating (''hp''); and

$PER_{CIRC,STD}$ = pump energy rating for a minimally compliant circulator pump serving the same hydraulic load.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #5 at p. 4)

PER_{CIRC} would be determined as the weighted average input power to the circulator motor or controls, if available, of a given circulator over a number of specified load points. Due to differences in the various control varieties available with circulator pumps, the CPWG recommended that each circulator pump control variety have unique weights and load points that are used in determining PER_{CIRC}. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #6A and #6B at pp. 4–6) The test points, weights, and test methods necessary for calculating PER_{CIRC} for pressure controls, temperature controls, manual speed controls, external input signal controls, and circulator pumps with no control (*i.e.,* without external input signal, manual, pressure, or temperature control) [9] are described in II.C.1 of this document.

$PER_{CIRC,STD}$ would be determined similarly for all circulator pumps, regardless of control variety. $PER_{CIRC,STD}$ would represent the weighted average input power to a minimally compliant circulator pump serving the same hydraulic load. As such, $PER_{CIRC,STD}$ would essentially define the minimally compliant circulator pump performance, such that the energy conservation standard level would always be defined as 1.00, and lower PEI_{CIRC} values would represent better performance. The CPWG discussed the derivation of $PER_{CIRC,STD}$ at length during the CPWG negotiations and, ultimately, recommended a standard level that is nominally equivalent to a single-speed circulator equipped with an electrically commutated motor. (Docket No. EERE–2016–BT–STD–0004, No. 102 at pp. 53–56; Docket No. EERE–2016–BT–STD–0004, No. 98 Recommendations #1 and 2A–D at pp. 1–4)

The CPWG specified a method for determining $PER_{CIRC,STD}$ equivalent to the test method recommended for circulator pumps with no controls, with additional procedures necessary to determine the minimally compliant overall efficiency at the various test points based on the hydraulic performance of the rated circulator pump. (Docket No. EERE–2016–BT–STD–0004, No. 98 Recommendations #2A–D at pp. 1–4) However, because $PER_{CIRC,STD}$ would represent the energy conservation standard level, DOE would, in a potential future circulator pump ECS rulemaking, discuss in detail the derivation of $PER_{CIRC,STD}$ for the recommended standard level, as well as all of the efficiency levels presented to the CPWG, including assessment of the technical feasibility and economic justification for any adopted levels. (Docket No. EERE–2016–BT–STD–0004)

DOE requests comment on the CPWG recommendation to adopt PEI_{CIRC} as the metric to characterize the energy use of certain circulator pumps and on the recommended equation for PEI_{CIRC}, including whether anything in the technology or market has changed since publication of the 2016 Term Sheets that would lead to this metric no longer being appropriate.

C. Test Procedure for Circulator Pumps

There is no current industry test procedure for circulator pumps. The September 2016 CPWG Term Sheet contained extensive recommendations related to development of a test procedure for circulator pumps. (Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendations #6–12 at p. 4–9)

1. Test Methods for Different Categories and Control Varieties

Many circulator pumps are sold with a variable speed drive and controls (*i.e.,* logic or user interface) with various control strategies that reduce the required power input at a given flow rate to save energy. The ability of a circulator pump to operate at different speeds and the control logic of each control variety will impact the energy use for that circulator pump model in the field. To reflect this variation in energy consumption, the CPWG

[9] As discussed previously in section III.A.5, in this document, circulator pumps with no controls are also inclusive of other potential control varieties that have a control, but are not one of the identified circulator control varieties. DOE refers to these as circulator pumps with no controls throughout this document, as any circulator pump without one of the defined control varieties would be treated as a circulator pump with no controls, regardless of whether it is a single-speed circulator or has a control variety not defined in this test procedure.

recommended that DOE establish different test methods for each control variety in the circulator pump test procedure in order to best represent the different energy use patterns exhibited by each control variety. (Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendation #9 at p. 7)

a. Control Definitions

The CPWG recommended definitions for the following control varieties for circulator pumps: manual speed control, pressure control, temperature control, and external input signal control. The definitions of these pump control varieties recommended by the CPWG are as follows:

- *Manual speed control* means a control (variable speed drive and user interface) that adjusts the speed of a driver based on manual user input.
- *Pressure control* means a control (variable speed drive and integrated logic) that automatically adjusts the speed of the driver in response to pressure.
- *Temperature control* means a control (variable speed drive and integrated logic) that automatically adjusts the speed of the driver continuously over the driver operating speed range in response to temperature.
- *External input signal control* means a variable speed drive that adjusts the speed of the driver in response to an input signal from an external logic and/or user interface.

(Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendation #4 at p. 4)

The CPWG did not recommend a definition for adaptive pressure controls, although it did recommend a separate test procedure for them, because, as discussed by the CPWG, adaptive pressure controls are able to adjust the slope of the control curve to fit the system needs through an ongoing learning process inherent in the software. (Docket No. EERE–2016–BT–STD–0004, No. 72 at pp. 45–46) The test procedure for circulator pumps with adaptive pressure controls is discussed further in section II.C.1.c.

DOE requests comment on the recommended definitions for manual speed control, pressure control, adaptive pressure control, temperature control, and external input signal control. Additionally, DOE requests comment on a possible definition for adaptive pressure control.

DOE requests comment on whether any additional control variety is now currently on the market and if it should be considered in this rulemaking.

b. Reference Curve

All recommended test methods for circulator control varieties, which involve variable speed control of the circulator pump, specify test points with respect to a representative system curve. That is, for circulator pumps with manual speed controls, pressure controls, temperature controls, or external input signal controls, a reference system curve is implemented to be representative of the speed reduction that is possible in a typical system to provide representative results. For circulator pumps with no controls, no reference system is required as measurements are taken at various test points along a pump curve at maximum speed only.

Such a reference system curve describes the relationship between the head and the flow at each test point in a typical system. Additionally, a reference system curve that is representative of a typical system in which circulator pumps are installed may also allow for the differentiation of control varieties to be reflected in the resulting ratings. The CPWG recommended that DOE incorporate the same reference system curve that is used in the January 2016 TP final rule. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #8 at pp. 6–7) This curve is a quadratic reference system curve, which intersects the BEP and has a static offset of 20 percent of BEP head, as shown in equation (2):

$$H = \left[0.8 * \left(\frac{Q}{Q_{100\%}}\right)^2 + 0.2\right] * \mathrm{H}_{100\%} \quad \textbf{(2)}$$

Where:

H = the pump total head (ft),

Q = the flow rate (gpm),

$Q_{100\%}$ = flow rate at 100 percent of BEP flow (gpm), and

$H_{100\%}$ = pump total head at 100 percent of BEP flow (ft).

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #8 at pp. 6–7)

DOE requests comment on whether the CPWG-recommended reference system curve shape, including the static offset, is reasonable for circulator pumps.

c. Pressure Control

Pressure controls are a variety of circulator pump controls in which the variable speed drive is automatically adjusted based on the pressure in the system. For example, such controls are common in multi-zone hydronic heating applications in which the flow and speed are adjusted in response to zones opening or closing. The CPWG recommended that for all circulator pumps distributed in commerce with pressure controls, the PER_{CIRC} should be calculated as the weighted average input power at 25, 50, 75, and 100 percent of BEP flow, with unique weights shown in equation (3):

$$PER_{CIRC} = \sum_i \omega_i \left(P_{in,i}\right) \quad \textbf{(3)}$$

Where:

PER_{CIRC} = circulator pump energy rating (hp);

w_i = weight of 0.05, 0.40, 0.40, and 0.15 at test points of 25, 50, 75, and 100 percent of BEP flow, respectively;

$P_{in,i}$ = power input to the driver at each test point i (hp); and

i = test point(s), defined as 25, 50, 75, and 100 percent of the flow at BEP.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #6A at pp. 4–5 and #7 at p.6)

The CPWG recommended testing circulator pumps with pressure controls using automatic speed adjustment based on the factory selected control setting, manual speed adjustment, or simulated pressure signal to trace a factory selected control curve setting that will achieve the test point flow rates with a head at or above the reference system curve. The CPWG also recommended that if a circulator pump with pressure controls is tested with automatic speed adjustment, that the pump can be manually adjusted to achieve 100 percent BEP flow and head point at maximum speed. Finally, for circulator pumps with adaptive pressure controls, the CPWG recommended that testing be conducted at the minimum thresholds for head based on manufacturer literature and through manual speed adjustment to achieve the test point flow rates with head values at or above the reference curve. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #9 at p. 7)

DOE requests comment on the recommended test methods, test points, and weights for circulator pumps with pressure controls, including circulator pumps with adaptive pressure controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

d. Temperature Control

Temperature controls are controls that automatically adjust the speed of the variable speed drive in the pump continuously over the operating speed range to respond to a change in temperature of the operating fluid in the system. Typically, temperature controls are designed to achieve a fixed temperature differential between the supply and return lines and adjust the flow rate through the system by adjusting the speed to achieve the specified temperature differential. Similar to pressure controls, temperature controls are also designed primarily for hydronic heating applications. However, temperature controls may be installed in single- or multi-zone systems and will optimize the circulator pump's operating speed to provide the necessary flow rate based on the heat load in each zone. As there are no minimum head requirements inherent to the circulator pump control, temperature controls may have potential to use less energy than pressure-based controls to serve a given load.

The CPWG recommended that for circulator pumps distributed in commerce with temperature controls, that PER_{CIRC} should be calculated the same way and with the same weights as for pressure controls, as shown in Equation 3. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #6A at pp. 4–5 and #7 at p. 6) The CPWG also recommended that circulator pumps with temperature controls be tested based on manual speed adjustment or with a simulated temperature signal to activate the temperature-based control to achieve the test point flow rates with a head at or above the reference curve. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #9 at p. 7)

DOE requests comment on the recommended test methods, test points, and weights for circulator pumps with temperature controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

e. Manual Speed Control

Manual speed controls are controls in which the speed of the pump is adjusted manually, typically to one of several pre-set speeds, by a dial or a control panel to fit the demand of the system within which it is installed. The CPWG discussed how circulator pumps installed with manual speed controls are typically only adjusted one time upon installation, if at all, and will operate at that set speed as if it were a single-speed circulator pump. That is, many manual speed control circulator pumps operate at full speed, while a portion of them may be set to a medium or low speed to suit the needs of the systems. (Docket No. EERE–2016–BT–STD–0004, No. 65 at pp. 131–133) Therefore, the CPWG recommended to test circulator pumps with manual speed controls both: (1) Along the maximum speed circulator pump curve to achieve the test point flow rates for the maximum speed input power values, and (2) based on manual speed adjustment to the lowest speed setting that will achieve a head at or above the reference curve at the test point flow rate for the reduced speed input power values. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #9 at p. 7)

To accomplish a single rating representative of the ''average'' energy use of a manual speed circulator, the CPWG recommended that for circulator pumps distributed in commerce with manual speed controls, the PER_{CIRC} should be calculated as the weighted average of $P_{in,max}$ (the weighted average input power at specific load points across the maximum speed curve) and $P_{in,reduced}$ (the weighted average input power at specific load points at reduced speed), but recommended separate load points and speed factors, as shown in equations (4), (5), and (6):

$$PER_{CIRC} = z_{max}(P_{in_{max}}) + z_{reduced}\,(P_{in_{reduced}})$$

Where:

PER_{CIRC} = circulator pump energy rating (hp);

z_{max} = speed factor weight of 0.75;

P_{in_max} = weighted average input power at maximum rotating speed of the circulator (hp), as specified in equation (5);

$z_{reduced}$ = speed factor weight of 0.25; and

$P_{in_reduced}$ = weighted average input power at reduced rotating speed of the circulator (hp), as specified in equation (6).

$$P_{in_{max}} = \sum_{i} \omega_{i_{max}}\left(P_{in,i_{max}}\right) \quad (5)$$

Where:

P_{in_max} = weighted average input power at maximum speed of the circulator (hp);

w_{i_max} = 0.25;

P_{in,i_max} = power input to the driver at maximum rotating speed of the circulator at each test point i (hp); and

i = test point(s), defined as 25, 50, 75, and 100 percent of the flow at BEP.

$$P_{in_{reduced}} = \sum_{i} \omega_{i_{reduced}} \left(P_{in,i_{reduced}} \right) \quad (6)$$

Where:

$P_{in_reduced}$ = weighted average input power at reduced speeds of the circulator (hp);

$w_{i_reduced}$ = 0.3333;

$P_{in,i_reduced}$ = power input to the driver at reduced rotating speed of the circulator at each test point i (hp); and

i = test point(s), defined as 25, 50, and 75 percent of the flow at BEP of max speed and head values at or above the reference curve.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #6B and 7 at pp. 5–6)

DOE requests comment on the CPWG-recommended test method and the unique test points, weights, and speed factors for circulator pumps distributed in commerce with manual speed controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

f. External Input Signal Control

The final control variety considered by the CPWG was external input signal controls. External input signal controls are controls in which the device that responds to the stimulus, or the primary control logic, is external to the circulator pump. Unlike pressure and temperature controls, the logic that defines how the circulator pump operating speed is selected in response to some measured variable (*e.g.,* temperature, pressure, or boiler fire rate) is not part of the circulator, as distributed in commerce. Instead, it is part of another control system, such as a building management system or a boiler control system. (Docket No. EERE–2016–BT–STD–0004, No. 72 at pp. 76–84)

For circulator pumps that have only an external input signal control, the CPWG recommended testing along the reference control curve to achieve the test point flow rates with a head at or above the reference system curve with the same weights as temperature and pressure controls. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #9 at pp. 7–8).

The CPWG recommended that, to ensure the rating would be representative of the performance of such pumps, the external input signal control must be the only control mode on the pump, and the pump must not be able to operate without an external input signal. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #9 at pp. 7–8)

The CPWG asserted that if external input signal control is one of multiple options available on a circulator pump, or the pump is able to operate without an external input signal, it is less likely that the external input signal control option would be utilized in the field. (Docket No. EERE–2016–BT–STD–0004, No. 72 at pp. 217–218). Therefore, to prevent the possibility of artificially improving the PEI_{CIRC} rating through the addition of an external input signal control mode, the CPWG recommended testing circulator pumps with external input signal controls similar to manual speed controls. (Docket No. EERE–2016–BT–STD–0004, No. 47 at p. 480) The CPWG recommended testing a circulator pump sold with external input signal controls and another control variety with a simulated signal both: (1) Along the maximum speed circulator pump curve to achieve the test point flow rates for the maximum speed input power values, and (2) with speed adjustment using a simulated signal to the lowest speed setting that will achieve a head at or above the reference curve at the test point flow rates for the reduced speed input power values. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #9 at pp. 7–8)

As such, the CPWG recommended that for circulator pumps distributed in commerce with external input signal controls and at least one other control variety, the PER_{CIRC} should be calculated as the weighted average of $P_{in,max}$ (the weighted average input power at specific load points across the maximum speed curve) and $P_{in,reduced}$ (the weighted average input power at specific load points at reduced speed), similar to circulator pumps with manual speed control, but with a different speed factor, as shown in equations (7), (8), and (9):

$$PER_{CIRC} = z_{max}(P_{in_{max}}) + z_{reduced}\,(P_{in_{reduced}})$$

Where:

PER_{CIRC} = circulator pump energy rating (hp);

z_{max} = speed factor weight of 0.30;

P_{in_max} = weighted average input power at maximum rotating speed of the circulator pump (hp);

$z_{reduced}$ = speed factor weight of 0.70; and

$P_{in_reduced}$ = weighted average input power at reduced rotating speed of the circulator (hp).

$$P_{in_{max}} = \sum_{i} \omega_{i_{max}} \left(P_{in,i_{max}} \right) \quad (8)$$

Where:

P_{in_max} = weighted average input power at maximum speed of the circulator (hp);

w_{i_max} = 0.25;

P_{in,i_max} = power input to the driver at maximum rotating speed of the circulator at each test point i (hp); and

i = test point(s), defined as 25, 50, 75, and 100 percent of the flow at BEP.

$$P_{in_{reduced}} = \sum_i \omega_{i_{reduced}} \left(P_{in,i_{reduced}} \right) \quad (9)$$

Where:

$P_{in_reduced}$ = weighted average input power at reduced speeds of the circulator (hp);

$w_{i_reduced}$ = 0.3333;

$P_{in,i_reduced}$ = power input to the driver at reduced rotating speed of the circulator at each test point i (hp); and

i = test point(s), defined as 25, 50, and 75 percent of the flow at BEP of max speed and head values at or above the reference curve.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #6B and #7 at pp. 5–6)

The CPWG recommended the speed factors of 0.30 at maximum speed and 0.70 at reduced speed in order to produce a rating on an equivalent basis as that of a circulator pump with a typical differential pressure control. (Docket No. EERE–2016–BT–STD–0004, No. 58 at p. 6). In addition, these speed factors would represent the likelihood that a circulator pump with an external input signal control is selected to operate with that external input signal control, and whether the signal it receives results in the circulator pump reducing speed.

DOE requests comment on the CPWG-recommended test method for circulator pumps distributed in commerce with only external input signal controls, as well as for those distributed in commerce with external input signal controls in addition to other control varieties. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

g. No Controls

For circulator pumps with no controls, the CPWG recommended testing the pump along the maximum speed circulator pump curve to achieve the test point flow rates of 25, 50, 75, and 100 percent of BEP flow. (Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #9 at p. 7) The CPWG also recommended that for circulator pumps distributed in commerce with no controls, PER_{CIRC} should be calculated with the unique weights and test points as shown in equation (10):

$$PER_{CIRC} = \sum_i \omega_i \left(P_{in,i} \right) \quad (10)$$

Where:

PER_{CIRC} = circulator pump energy rating (hp);

w_i = 0.25;

$P_{in,i}$ = power input to the driver at each test point i (hp); and

i = test point(s), defined as 25, 50, 75, and 100 percent of the flow at BEP.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendation #6A at pp. 4–5)

The CPWG recommended the 0.25 weights at each test point (*i.e.,* 25, 50, 75, and 100 percent of the flow at BEP) in order to account for the variety of systems and operating points a single-speed circulator may encounter. (Docket No. EERE–2016–BT–STD–0004, No. 70 at pp. 172–173)

DOE requests comment on the CPWG-recommended test methods, test points, and weights for circulator pumps with no controls.

2. Updates to Industry Standards

As part of the September 2016 CPWG recommendations, the CPWG recommended that all test points be tested on a wire-to-water basis, in accordance with HI 40.6–2014, with minor modifications. The CPWG also recommended that if an updated version of HI 40.6 is published prior to publication of the test procedure final rule, DOE should review and incorporate the updated version. (Docket No. EERE–2016–BT–STD–0004, No. 58, Recommendation #10 at p. 8–9)

In 2016, HI published an updated industry standard, HI 40.6–2016, ''Methods for Rotodynamic Pump Efficiency Testing'' (''HI 40.6–2016''). This update aligned the definitions and procedures described in HI Standard 40.6 with the DOE test procedure for pumps published in the January 2016 TP final rule. Appendix A to subpart Y to 10 CFR part 431. In the September 2020 Early Assessment RFI for pumps, DOE requested comment on the potential effect of incorporating HI 40.6–2016 by reference as the DOE test procedure for pumps. 85 FR 60734, 60737. Grundfos, NEEA, and HI commented that HI expects to publish another standard update in 2021 (''HI 40.6–2021'') and urged DOE to incorporate by reference HI 40.6–2021 rather than HI 40.6–2016 (Grundfos, Docket No. EERE–2020–BT–TP–0032, No. 07 at p. 2; NEEA, Docket No. EERE–2020–BT–TP–0032, No. 08 at p. 6; HI, Docket No. EERE–2020–BT–TP–0032, No. 06 at pp. 1, 3). HI specified that HI 40.6–2016 included updates to match DOE's test procedure for pumps, and that HI 40.6–2021 will further include editorial revisions and added circulator pump testing, and also would not impact measured values, burden, or representativeness. (HI, Docket No. EERE–2020–BT–TP–0032, No.06 at p. 3)

At the time of this RFI publication, HI 40.6–2021 was not yet available. DOE expects to review and consider this updated industry standard when available.

DOE seeks comment and feedback on whether HI 40.6–2016 or HI 40.6–2021 is an appropriate test method for conducting wire-to-water testing of circulator pumps, as recommended by the CPWG. In addition, DOE seeks comment on whether the modifications in HI 40.6–2016 and/or HI 40.6–2021 adequately capture the CPWG recommended modifications in Recommendation #10.

Additionally, CPWG recommended several specifications for the circulator pump test procedure that are not included in either HI 40.6–2014 or HI 40.6–2016, including test arrangements for twin-head circulator pumps and circulators-less-volute:

• To test twin head circulator pumps, one of the two impeller assemblies is to be incorporated into an adequate, single impeller volute and casing. An adequate, single impeller volute and casing means a volute and casing for which any physical and functional characteristics that affect energy consumption and energy efficiency are essentially identical to their corresponding characteristics for a single impeller in the twin head circulator volute and casing.

• To test circulators-less-volute, pair the circulator-less-volute with specific volute(s) with which the circulator is advertised to be paired, based on manufacturer's literature, to determine the PEI rating for each circulator-less-volute and volute combination.

(Docket No. EERE–2016–BT–STD–0004, No. 58 Recommendations #11 and #12 at p. 9)

DOE seeks comment on whether the recommendations for twin-head circulator pumps and circulators-less-volute have been adequately addressed in HI 40.6–2021.

D. Metric and Test Procedure for SVIL Pumps

The CPWG recommended evaluating SVIL pumps using the constant load pump energy index (PEI_{CL}) or variable load pump energy index (PEI_{VL}) metric, similar to general pumps, and using the general pump test procedure to measure performance, with any additional modifications necessary as determined by DOE. (Docket No. EERE–2016–BT–STD–0004, No. 98 Recommendations #1B at pp. 1–2) In the January 2016 TP final rule, DOE adopted a metric of PEI_{CL} for pumps distributed in commerce as bare pumps or as bare pumps with a motor (*i.e.,* pumps sold without continuous or non-continuous controls) and a metric of PEI_{VL} for pumps sold with either continuous or non-continuous controls. 81 FR 4086, 4150–4152 (Jan. 25, 2016)

DOE identified the size and characteristics of the motor with which the SVIL pumps are rated as the primary difference between SVIL and IL pumps that affects the application of the DOE general pumps test procedure. Specifically, the general pumps test procedure establishes that testing-based methods are applicable to all pump configurations, while calculation-based methods are applicable only to (1) pumps sold with neither a motor nor controls (*i.e.,* a bare pump), (2) pumps sold with motors that are subject to DOE's energy conservation standards for electric motors, as defined pursuant to 10 CFR 431.25(g), (with or without continuous controls), and (3) pumps sold with submersible motors (with or without continuous controls). This is because the calculation-based test methods presume motor efficiency and motor or motor and drive loss values based on the performance characteristics of motors that are subject to DOE's current energy conservation standards for electric motors at 10 CFR 431.25. Table 1 to appendix A to subpart Y of 10 CFR part 431.

SVIL pumps are often distributed in commerce with motors that are either subject to DOE's electric motor regulations at 10 CFR 431.25 or DOE's small electric motor regulations at 10 CFR 431.466. Therefore, the calculation-based test methods may need to be modified to reference DOE's electric motor regulations at 10 CFR 431.25 or DOE's small electric motor regulations at 10 CFR 431.446, as applicable.

DOE also notes that the general pumps test procedure includes the requirement that all pumps sold with single-phase motors be rated as bare pumps. Table 1 to appendix A to subpart Y of 10 CFR part 431. SVIL pumps sold with single-phase motors could instead be rated to reflect the performance of that single-phase motor, either through the testing or calculation-based methods.

In addition, the general pumps test procedure relies on nominal motor losses to calculate the PER_{STD} and PER_{CL} for the calculation-based method and nominal motor and drive losses to calculate PER_{VL}. Both the motor and combined motor and drive loss curves were developed for the general pumps test procedure based on data from the National Electrical Manufacturers Association (NEMA) and from manufacturers of motors and drives, as well as data from DOE's own testing, for motors and drives from 1 to 250 hp gathered during the general pumps test procedure rulemaking. Since these losses were based on data for motors and drives from 1 to 250 hp, the nominal motor losses derived for the general pumps test procedure may not be appropriate for SVIL pumps. DOE researched typical losses for motors and combined motor and drive assemblies for motors that were less than 1 hp. Based on the information DOE received, the part load loss curves, or the variation in efficiency as a function of load, does not vary significantly between 1 hp motors and drives and motors and drives that are less than 1 hp.

DOE requests comment on the recommendation to test SVIL pumps with the test methods in the general pumps test procedure and additional provisions to account for the differences in size and characteristics of SVIL pump motors. In particular, DOE requests comment on the potential extension of the nominal full load motor efficiency values to reference DOE's small electric motor regulations, including certain single-phase motors, and the need for an exception for SVIL pumps so that those sold with single-phase motors do not have to be rated as bare pumps.

DOE also requests comment on the prevalence of SVIL pumps sold with single-phase versus three-phase motors, and the prevalence of SVIL pumps sold with motors not covered by DOE's small electric motors and electric motors energy conservation standards for either single- or three-phase motors.

DOE also requests comment on whether the equations used to establish the part load motor and drive losses in the general pumps test procedure are appropriate for SVIL pumps under one horsepower. If inappropriate, DOE requests data supporting the generation of alternative loss curves.

III. Request for Information and Comments Pertaining to Energy Conservation Standards

DOE is publishing this RFI to collect data and information to inform its decision, consistent with its obligations under EPCA, as to whether the Department should proceed with an energy conservation standards rulemaking. In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether standards for circulator pumps and SVIL pumps may be warranted.

DOE seeks comment on whether establishing a standard for circulator pumps and SVIL pumps would be cost-effective, economically justified, technologically feasible, or would result in a significant savings of energy.

For circulator pumps, the CPWG reached agreement on the methodology, data sources, and assumptions required to conduct the analyses and reach consensus on a recommended standard level. Therefore, DOE is requesting comment only on specific inputs to the analyses that may need to be updated due to technological or market changes since the CPWG proceedings. However, because the CPWG did not analyze SVIL pumps, DOE is requesting comment on several of the associated inputs to the analyses.

A. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the circulator pumps and SVIL pumps industry that will be used in DOE's analysis throughout the

rulemaking process. DOE uses qualitative and quantitative information to characterize the structure of the industry and market. DOE identifies manufacturers, estimates market shares and trends, addresses regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption, and explores the potential for efficiency improvements in the design and manufacturing of circulator pumps. DOE also reviews product literature, industry publications, and company websites. Additionally, DOE considers conducting interviews with manufacturers to improve its assessment of the market and available technologies for circulator pumps.

1. Equipment Classes

When evaluating and establishing energy conservation standards, DOE may divide covered equipment into equipment classes by the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)) In making a determination whether capacity or another performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. (*Id.*)

For circulator pumps, there are no current energy conservation standards and, thus, no equipment classes. However, the 2016 Term Sheets contained a recommendation related to establishing equipment classes for circulator pumps. Specifically, ''Recommendation #1'' of the December 2016 CPWG Recommendations suggests grouping all circulator pumps into a single equipment class, though with numerical energy conservation standard values that vary as a function of hydraulic output power. (Docket No. EERE–2016–BT–STD–0004, No. 98 Recommendation at p.1)

DOE requests comment regarding the CPWG recommendation to include all circulator pumps within a single equipment class, especially regarding interim market changes since the recommendation that may warrant changes to that recommendation. DOE additionally seeks comment regarding whether the same recommendations should apply to SVIL pumps.

2. Technology Assessment

In analyzing the feasibility of potential new energy conservation standards, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. An initial list of those options appears in Table III.1 of this document. Each technology option is then described separately in the sections.

TABLE III.1—POTENTIAL TECHNOLOGY OPTIONS FOR CIRCULATOR PUMPS

Improved Hydraulic Design
Improved Motor Efficiency
Ability to Reduce Speed

a. Improved Hydraulic Design

The performance characteristics of a pump, such as flow, head, and efficiency, are influenced by the pump's hydraulic design. For purposes of DOE's analysis, ''hydraulic design'' is a broad term used to describe the system design of the wetted components of a pump. Although hydraulic design focuses on the specific hydraulic characteristics of the impeller and the volute/casing, it also includes design choices related to bearings, seals, and other ancillary components.

Impeller and volute/casing geometries, clearances, and associated components can be redesigned to a higher efficiency (at the same flow and head) using a combination of historical best practices and modern computer-aided design (CAD) and analysis methods. The wide availability of modern CAD packages and techniques now enables pump designers to more quickly reach designs with improved vane shapes, flow paths, and cutwater designs, all of which work to improve the efficiency of the pump. In confidential interviews, manufacturers indicated that the potential for additional efficiency improvements from improved hydraulic design were fairly small.

b. Improved Motor Efficiency

Different varieties (or constructions) of a motor have different achievable efficiencies. Two general motor constructions are present in the circulator pump market: Induction motors, and electronically commutated motors (ECMs). Induction motors can have one of two configurations: Single-phase and three-phase. Single-phase induction motors may be further categorized to include split phase, capacitor-start induction-run (CSIR), capacitor-start capacitor-run (CSCR), and permanent split capacitor (PSC) motors.

The majority of circulator pumps currently available on the market use induction motors. The efficiency of an induction motor can be increased by redesigning the motor to reduce slip losses between the rotor and stator components, as well as reducing mechanical losses at seals and bearings. ECMs are generally more efficient than induction motors because their construction minimizes slip losses between the rotor and stator components. Unlike induction motors, ECMs require an electronic drive to function. This electronic drive consumes electricity, and variations in drive losses and mechanical designs lead to a range of ECM efficiencies.

The performance standard for circulator pumps is based upon wire-to-water efficiency, which is defined as the hydraulic output power of a circulator divided by its line input power. Wire-to-water efficiency is commonly expressed as a percentage. The achievable wire-to-water efficiency of circulator pumps is influenced by both hydraulic efficiency and motor efficiency. DOE assessed the range of attainable wire-to-water efficiencies for circulator pumps with induction motors, and circulator pumps with ECMs, over a range of hydraulic power outputs. Because circulator pump efficiency is measured on a wire-to-water basis, it is difficult to fully separate differences due to motor efficiency from those due to hydraulic efficiency. In redesigning a pump model to attain greater efficiency levels, manufacturers would likely consider both hydraulic efficiency and motor efficiency. However, manufacturers indicated in interviews that the energy savings potential of improving hydraulic efficiency is small compared to that of improving motor efficiency. Higher motor capacities are generally required for higher hydraulic power outputs, and as motor capacity increases, the attainable efficiency of the motor at full load also increases. Higher horsepower motors also operate close to their peak efficiency for a wider range of loading conditions.[10]

Circulator pumps manufacturers manufacture motors in-house or purchase complete or partial motors from motor manufacturers and/or distributors. As a result, manufacturers may select an entirely different motor,

[10] U.S. DOE Building Technologies Office. *Energy Savings Potential and Opportunities for High-Efficiency Electric Motors in Residential and Commercial Equipment.* December 2013. Prepared for the DOE by Navigant Consulting. p. 4. Available at *http://energy.gov/sites/prod/files/2014/02/f8/Motor%20Energy%20Savings%20Potential%20Report%202013-12-4.pdf.*

or redesign an existing motor in order to improve a pump's motor efficiency.

c. Ability To Operate at Reduced Speeds

Circulator pumps with the variable speed capability can reduce their energy consumption by reducing pump speed to match load requirements. As discussed in Section II.B, the PER_{CIRC} metric is a weighted average of input powers at each test point relative to BEP flow. The circulator pumps test procedure agreed to by the CPWG allows: PER_{CIRC} values for multi- and variable-speed circulator pumps to be calculated as the weighted average of input powers at full speed BEP flow, and reduced speed at flow points less than BEP and PER_{CIRC} for single-speed pumps to be calculated based only on input power at full speed. Due to pump affinity laws, variable-speed circulator pumps will achieve reduced power consumption at flow points less than BEP by reducing their rotational speed to more closely match required system head. As such, the PER_{CIRC} metric grants benefits on circulator pumps capable of variable speed operation.

Specifically, the pump affinity laws describe the relationship of pump operating speed, flow rate, head, and hydraulic power as shown in Equations (11), (12), and (13).

$$\frac{Q_1}{Q_2} = \frac{N_1}{N_2} \quad (11)$$

$$\frac{H_1}{H_2} = \left(\frac{N_1}{N_2}\right)^2 \quad (12)$$

$$\frac{P_1}{P_2} = \left(\frac{N_1}{N_2}\right)^3 \quad (13)$$

Where:

Q_1 and Q_2 = volumetric flow rate at two operating points

H_1 and H_2 = pump total head at two operating points

N_1 and N_2 = pump rotational speed at two operating points

P_1 and P_2 = pump hydraulic power at two operating points

This means that a pump operating at half speed will provide one half of the pump's full-speed flow and one eighth of the pump's full-speed power.[11] However, pump affinity laws do not account for changes in hydraulic and motor efficiency that may occur as a pump's rotational speed is reduced. Typically, hydraulic efficiency and motor efficiency will be reduced at lower operating speeds. Consequently, at reduced speeds, power consumption is not reduced as drastically as hydraulic output power. Even so, the efficiency losses at low-speed operation are typically outweighed by the exponential reduction in hydraulic output power at low-speed operation; this results in a lower input power at low speed operation at flow points lower than BEP.

Circulator speed controls may be discrete or continuous, as well as manual or automatic. Circulator pumps with discrete speed controls vary the pump's rotational speed in a step-wise manner. Discrete controls are found mostly on circulator pumps with induction motors, and have several speed settings that are can be used to allow contractors greater installation flexibility with a single circulator model. For these circulator pumps, the pump's speed is set manually with a dial or buttons by the installer or user and operate at a constant speed once the installation is complete.

Circulator pumps equipped with automatic speed controls can adjust the circulator's rotational speed based on a signal from differential pressure or temperature sensors, or an external input signal from a boiler. The variable frequency drives required for ECMs makes them fairly amenable to the addition of variable speed control logic. Currently, the vast majority of circulator pumps with automatic continuously variable speed controls also have ECM motors. However, some circulator models with induction motors also come equipped with automatic continuous variable speed controls. Automatic controls can reduce energy consumption either by allowing circulator speed to dynamically respond to changes in system conditions or simply by reducing speed to a single value optimal for the specific application. Automatic controls can be broadly categorized into two groups: Pressure-based controls, and temperature-based controls.

Pressure-based controls vary the circulator speed based on changes in the system pressure. These pressure changes are typically induced by a thermostatically controlled zone valve that monitors the space temperature in different zones and calls for heat (*i.e.,* opens the valve) when the space/zone temperature is below the set-point, similar to a thermostat. In this type of control, a pressure sensor internal to the circulator determines the amount of pressure in the system and adjusts the circulator speed to achieve the desired system pressure.

Temperature-based controls monitor the supply and return temperature to the circulator and modulate the circulator speed to maintain a fixed temperature drop across the system. Circulator pumps with temperature-based controls are able to serve the heat

[11] A discussion of reduced-speed pump dynamics is available at *https://www.regulations.gov/document?D=EERE-2015-BT-STD-0008-0099.*

loads of a conditioned space at a lower speed, and therefore lower input power, than those with differential pressure controls. This is because they can account for the differential temperature between the space and supplied hot water, delivering a constant BTU/hr load to the space when less heat is needed even in a given zone or zones.

DOE seeks information on the technologies listed in Table III.1 regarding their applicability to the current market and how these technologies may impact the efficiency of circulator pumps as measured according to the DOE test procedure. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

DOE seeks information on the technologies listed in Table III.1 regarding their market adoption, costs, and any concerns with incorporating them into products (*e.g.,* impacts on consumer utility, potential safety concerns, manufacturing/production/implementation issues, etc.).

DOE seeks comment on other technology options that it should consider for inclusion in its analysis and if these technologies may impact product features or consumer utility.

B. Screening Analysis

The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies will be eliminated from further consideration and which will be passed to the engineering analysis for further consideration.

DOE determines whether to eliminate certain technology options from further consideration based on the following criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production of a technology in commercial products and reliable installation and servicing of the technology could not be achieved on the scale necessary to serve the relevant market at the time of the compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on equipment utility or equipment availability.* If a technology is determined to have significant adverse impact on the utility of the equipment to significant subgroups of consumers, or result in the unavailability of any covered equipment type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as equipment generally available in the United States at the time, it will not be considered further.

(4) *Adverse impacts on health or safety.* If it is determined that a technology will have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-Pathway Proprietary Technologies.* If a design option utilizes proprietary technology that represents a unique pathway to achieving a given efficiency level, that technology will not be considered further due to the potential for monopolistic concerns.

10 CFR 431.4; 10 CFR part 430, subpart C, appendix A, 6(c)(3) and 7(b)

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from consideration.

DOE requests feedback on what impact, if any, the five screening criteria described in this section would have on each of the technology options listed in Table III.1 with respect to circulator pumps. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in circulator pumps.

C. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of circulator pumps. There are two elements to consider in the engineering analysis: The selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of product cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency equipment, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each equipment class, DOE estimates the baseline cost, as well as the incremental cost for the equipment at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the NIA).

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) Relying on observed efficiency levels in the market (*i.e.,* the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.,* the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency level ''clusters'' that already exist on the market). Using the design option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design option approach to interpolate to define ''gap fill'' levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the max-tech level (particularly in cases where the max-tech level exceeds the maximum efficiency level currently available on the market).

Although DOE has not developed a formal engineering analysis, DOE supported the CPWG by providing some engineering-like analysis based on the efficiency-level approach. The analysis was presented over a series of working sessions, transcripts and accompanying material for which is available in the rulemaking docket. (Docket No. EERE–2016–BT–STD–0004)

For each established equipment class, DOE selects a baseline model as a reference point against which any changes resulting from new or amended energy conservation standards can be measured. The baseline model in each equipment class represents the characteristics of common or typical products in that class. Typically, a baseline model is one that meets the current minimum energy conservation standards and provides basic consumer utility.

DOE requests feedback on appropriate baseline efficiency levels for DOE to apply to each equipment class in evaluating whether to establish energy conservation standards for these products.

DOE requests feedback on the appropriate baseline efficiency levels for any newly analyzed equipment classes that are not currently in place or for the

contemplated combined equipment classes, as discussed in section III.A.1 of this document. For newly analyzed equipment classes, DOE requests energy use data to characterize the baseline efficiency level.

As part of DOE's analysis, the maximum available efficiency level is the highest efficiency unit currently available on the market. DOE also defines a max-tech efficiency level to represent the theoretical maximum possible efficiency if all available design options are incorporated in a model. In applying these design options, DOE would only include those that are compatible with each other that when combined would represent the theoretical maximum possible efficiency. In many cases, the max-tech efficiency level is not commercially available because it is not economically feasible.

DOE seeks input on whether the maximum available efficiency levels are appropriate and technologically feasible for potential consideration as possible energy conservation standards for circulator pumps—and if not, why not.

DOE also requests feedback on which maximum efficiencies are representative of those for the other circulator pumps not included within the scope of the Term Sheets. If the range of possible efficiencies is different for such other equipment, what alternative approaches should DOE consider using for those equipment classes and why?

DOE seeks feedback on what design options would be incorporated at a max-tech efficiency level, and the efficiencies associated with those levels. As part of this request, DOE also seeks information as to whether there are limitations on the use of certain combinations of design options.

2. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including availability and reliability of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the equipment on the market. The cost approaches are summarized as follows:

- *Physical teardowns:* Under this approach, DOE physically dismantles a commercially available product, component-by-component, to develop a detailed bill of materials for the product.
- *Catalog teardowns:* In lieu of physically deconstructing a product, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the bill of materials for the product.
- *Price surveys:* If neither a physical nor catalog teardown is feasible (for example, for tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable) or cost-prohibitive and otherwise impractical (*e.g.,* large commercial boilers), DOE conducts price surveys using publicly available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

The bill of materials provides the basis for the manufacturer production cost (''MPC'') estimates. DOE then applies a manufacturer markup to convert the MPC to manufacturer selling price (''MSP''). The manufacturer markup accounts for costs such as overhead and profit. The resulting bill of materials provides the basis for the manufacturer production cost (''MPC'') estimates.

As described at the beginning of this section, the main outputs of the engineering analysis are cost-efficiency relationships that describe the estimated increases in manufacturer production cost associated with higher-efficiency products for the analyzed equipment classes.

DOE requests feedback on whether, and if so how, manufacturers would incorporate the technology options listed in Table III.1 to increase energy efficiency in circulator pumps beyond the baseline. This includes information in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

DOE also seeks input on the increase in MPC associated with incorporating each particular design option. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

DOE requests comment on whether certain design options may not be applicable to (or incompatible with) specific equipment classes.

To account for manufacturers' non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the MPC. The resulting manufacturer selling price (''MSP'') is the price at which the manufacturer distributes a unit into commerce.

DOE requests feedback on what manufacturer markups are appropriate for non-built-in and built-in products, respectively.

D. Markups Analysis

DOE derives customer prices by applying a multiplier called a ''markup'' to the MSP. In deriving markups, DOE determines the major distribution channels for product sales, the markup associated with each party in each distribution channel, and the existence and magnitude of differences between markups for baseline products (''baseline markups'') and higher-efficiency products (''incremental markups''). The identified distribution channels (*i.e.,* how the products are distributed from the manufacturer to the consumer), and estimated relative sales volumes through each channel are used in generating end-user price inputs for the LCC and PBP analyses and the national impact analysis (''NIA'').

During the CPWG meetings, the CPWG identified distribution channels for circulator pumps and estimated their respective shares of shipments by sector (residential and commercial), based on manufacturer feedback (Docket No. EERE–2016–BT–STD–0004, No. 49 at p. 51), as shown in Table III.2:

TABLE III.2—CIRCULATOR PUMPS DISTRIBUTION CHANNELS AND RESPECTIVE MARKET SHARES

Channel: From manufacturer	Residential shipments share (%)	Commercial shipments share (%)
Sales Rep → Contractor → End User		37

TABLE III.2—CIRCULATOR PUMPS DISTRIBUTION CHANNELS AND RESPECTIVE MARKET SHARES—Continued

Channel: From manufacturer	Residential shipments share (%)	Commercial shipments share (%)
Sales Rep → Distributor → Contractor → End User	73	36
Distributor → End User	.....	2
Sales Rep → Distributor → End User	2	.....
OEM → Contractor → End User	12	12
OEM → Distributor → Contractor → End User	13	13
Total	100	100

DOE requests information on whether there have been market changes since the CPWG that would affect the distribution channels and the percentage of circulator pump shipments in each channel and sector, as shown in Table III.2, and if so, how such market changes would affect the circulator pump distribution channels. DOE also requests information on whether the same distribution channels and associated breakdowns across sectors apply for SVIL pumps, and if not, DOE requests relevant data on the SVIL distribution channels and their market shares.

E. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how products are used by consumers, and thereby determine the energy savings potential of energy efficiency improvements. DOE will base the energy consumption of circulator pumps and SVIL pumps on the rated annual energy consumption as determined by the DOE test procedure. Along similar lines, the energy use analysis is meant to represent typical energy consumption in the field.

1. Consumer Samples and Market Breakdowns

To estimate the energy use of products in field operating conditions, DOE typically develops consumer samples that are representative of installation and operating characteristics of how such products are used in the field, as well as distributions of annual energy use by application and market segment. According to manufacturer feedback, there are two main applications for circulator pumps: Hydronic heating and hot water recirculation. DOE estimated the market share of these two applications based on manufacturer-provided circulator pump shipments data for 2015, as well as the market distribution of circulator pumps in the residential and commercial sectors based on the horsepower ratings of the shipments data and industry expert input.

To develop consumer samples, the CPWG relied on the Energy Information Administration's (EIA) 2009 residential energy consumption survey (RECS) and the 2012 commercial buildings energy consumption survey (CBECS), for the residential and commercial sectors, respectively. (Docket No. EERE–2016–BT–STD–0004, No. 46 at p. 158) In a potential energy conservation standards rulemaking for circulator pumps and SVIL pumps, DOE may utilize the most current versions of the RECS and CBECS consumer samples, currently the 2015 RECS and the upcoming 2018 CBECS.

DOE requests data and information on whether the breakdowns of circulator pumps by sector and application have changed since the CPWG proceedings, and if so, how. DOE also requests information on the market applications of SVIL pumps and how those are broken down by sector.

As discussed in section II.A.1.b of this document, the CPWG recommended a definition for ''on-demand circulator pumps''. (Docket No. EERE–2016–BT–STD–0004, No. 98 Non-Binding Recommendation #1 at pp. 4–5) In order to consider analyzing on-demand circulator pumps, DOE requires information to characterize their market size. The CPWG reported that on-demand circulator pumps comprise 5 percent of the hot water recirculation market. (Docket No. EERE–2016–BT–STD–0004, No. 46 at p. 168)

DOE requests feedback on whether there have been market changes since the CPWG meetings that would warrant a different estimate of the fraction of circulator pumps sold with on-demand controls, and if so, what that fraction is.

2. Operating Hours

To develop annual energy use estimates, the CPWG reviewed the operating hours of circulator pumps by sector (residential and commercial) and application (hydronic heating and hot water recirculation). For hydronic heating applications in the residential sector, operating hours per year (''HPY'') were estimated based on two field metering studies: A 2015 Vermont study and a 2012–2013 metering study in Ithaca, NY.[12] Based on these metering studies, the CPWG suggested establishing a relationship between residential sector heating degree days (''HDDs'') and circulator pump HPY to develop operating hour estimates for the hydronic heating application. For the residential sector, this scaling factor was 0.33 HPY/HDD. (Docket No. EERE–2016–BT–STD–0004, No. 100 at pp. 54, 108). For the commercial sector, the CPWG recommended a scaling factor of 0.45 HPY/HDD. (Docket No. EERE–2016–BT–STD–0004, No. 100 at pp. 122–123). These scaling factors were used to develop distributions of circulator pump operating hours across the consumer samples. The weighted average HPY for the hydronic heating application were estimated at approximately 1,970 and 2,200 for the residential and commercial sector, respectively.

For circulator pumps used in hot water recirculation applications, the CPWG agreed to HPY estimates based on their associated control types (Docket No. EERE–2016–BT–STD–0004, No. 60 at p. 74), as shown in Table III.3.

[12] For more information on the Ithaca, NY study, see *https://www.nrel.gov/docs/fy14osti/60200.pdf.*

TABLE III.3—CIRCULATOR PUMP OPERATING HOURS IN HOT WATER RECIRCULATION

Control type	Sector	Fraction of consumers	HPY	Notes
No Control	Residential	50%	8,760	Constant Operation.
	Commercial			
Timer	Residential	25%	7,300	50% operate constantly and 50% operate 16 hours/day.
	Commercial		6,570	50% operate constantly and 50% operate 12 hours/day.
Aquastat	Residential	20%	1,095	3 hours per day.
	Commercial			
On Demand *	Residential	5%	61	10 minutes per day *.
	Commercial		122	20 minutes per day *.

* Assuming that circulator pumps operate for 30 seconds for each demand ''push''

DOE requests information on any updated or recent data sources, such as circulator pump field metering studies, to inform and validate the circulator pump operating hours in the residential and commercial sectors and across all applications. DOE also requests comment on whether there have been any technology or market changes since the term sheet to warrant a different approach on the circulator pump operating hours.

DOE requests input on the operating hours for SVIL pumps by sector and application, and specifically, whether a similar approach should be followed for SVIL pumps, as the one used to estimate operating hours for circulator pumps.

F. Life-Cycle Cost and Payback Period Analyses

DOE conducts the LCC and PBP analyses to evaluate the economic effects of potential energy conservation standards for circulator pumps and SVIL pumps on individual customers. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total customer expense over the life of the equipment, consisting of purchase, installation, and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the cost of the equipment—which includes the MSP, distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, equipment lifetimes, discount rates, and the year that compliance with new and amended standards is required.

DOE measures savings of potential standards relative to a ''no-new-standards'' case that reflects conditions without new and/or amended standards, and uses efficiency market shares to characterize the ''no-new-standards'' case equipment mix. By accounting for consumers who already purchase more efficient equipment, DOE avoids overstating the potential benefits from potential standards. For circulator pumps, the CPWG reviewed the market efficiency distribution for circulator pumps by efficiency level, circulator variety (*e.g.,* CP1, CP2, CP3), horsepower rating, and application. The data used to develop the no-new-standards case were confidential manufacturer shipments data from 2015. Table III.4 shows the no-new-standards efficiency distribution in 2015, as agreed by the CPWG. (Docket No. EERE–2016–BT–STD–0004, No. 99 at pp. 206–208). Note that due to confidentiality concerns, the actual market shares are not shown, and instead market availability is depicted by 'X'.

Table III.4 Circulator Pump Efficiency Distribution in 2015

Application	Efficiency Level	1/40 hp			1/25 hp			1/6 hp			1 hp		
		CP1	CP2	CP3	CP1	CP2	CP3	CP1	CP2	CP3	CP1	CP2	CP3
Heating	EL0	X			X		X	X	X	X	X		X
	EL1	X			X	X		X	X	X	X		X
	EL2									X			X
	EL3				X			X		X	X		
	EL4	X			X			X			X		
Hot Water Recirculation	EL0	X			X		X	X	X	X	X		X
	EL1	X			X	X		X	X	X			X
	EL2	X			X								
	EL3	X			X			X			X		
	EL4*												

*The CPWG agreed that EL4 was not viable for circulator pumps used in hot water recirculation.

DOE requests feedback and data on whether any changes in the circulator pump market since 2015 have affected the market efficiency distribution of circulator pumps, and if so, how. DOE also requests information on the current efficiency distribution of SVIL pumps.

DOE requests data and information on the installation costs of SVIL pumps,

and whether those vary by motor type, control type, or any other factor affecting their efficiency. DOE also requests input on SVIL repair and maintenance costs and frequencies, and SVIL lifetimes, including average and maximum service lifetimes.

G. Shipments

DOE develops shipments forecasts of equipment to calculate the national impacts of potential amended energy conservation standards on energy consumption, net present value (''NPV''), and future manufacturer cash flows. DOE shipments projections are typically based on available historical data broken out by equipment class, capacity, and efficiency. Current sales estimates allow for a more accurate model that captures recent trends in the market.

For circulator pumps, DOE utilized manufacturer-provided confidential historical shipments data up to the year 2015 to estimate future circulator pump shipments, which were broken down by circulator pump variety (CP1, CP2, CP3), horsepower rating, and circulator pump housing material.

DOE requests circulator pump annual sales data (*i.e.,* number of shipments) from 2016 to 2020 broken out by circulator pump category, horsepower rating, and circulator pump housing material. If disaggregated fractions of annual sales are not available, DOE requests more aggregated fractions of annual sales. DOE also requests annual historical shipments data for SVILs for the past 10 years, if possible disaggregated by horsepower rating, motor type, housing material, or any other differentiating factor used in the industry.

To project future shipments, DOE typically uses new housing starts projections and floorspace projections from the Annual Energy Outlook (AEO) as market drivers for the residential and commercial sectors, respectively. In addition to the aforementioned drivers, for hydronic heating applications in the residential sector, the CPWG also agreed to utilize Department of Commerce historical data (from 1973 to 2015), which showed a declining saturation for new construction. Based on these inputs and resulting projections, the CPWG agreed that circulator pump shipments would remain constant at approximately 1.8 million units per year throughout the analysis period (2022–2051). (Docket No. EERE–2016–BT–STD–0004, No. 100 at pp. 19–21).

To project future shipments of circulator pumps, DOE plans to utilize the market drivers and saturation trends agreed by the CPWG and to update the data sources with the most current ones, if available.

DOE requests information on any market changes since 2015 that would justify using market drivers and saturation trends that are different than those recommended by the CPWG. DOE also requests input on the market drivers and saturation trends that would help project shipments for SVIL pumps.

H. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to estimate the financial impact of amended energy conservation standards on manufacturers of circulator pumps, and to evaluate the potential impact of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for each product in this analysis, with the key output of industry net present value (''INPV''). The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends.

As part of the MIA, DOE intends to analyze impacts of amended energy conservation standards on subgroups of manufacturers of covered equipment, including small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the applicable North American Industry Classification System (''NAICS'') code.[13] Manufacturing of circulator pumps is classified under NAICS 333914, ''Measuring, Dispensing, and Other Pumping Equipment Manufacturing,'' and the SBA sets a threshold of 750 employees or less for a domestic entity to be considered as a small business. This employee threshold includes all employees in a business' parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves examining the cumulative impact of multiple DOE standards and the product-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute circulator pumps or SVILs in the United States.

DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by amended energy conservation standards. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size threshold, of circulator pumps or SVILs that manufacture products in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by amended energy conservation standards. DOE requests feedback on any potential approaches that could be considered to address impacts on manufacturers, including small businesses.

DOE requests information regarding the cumulative regulatory burden impacts on manufacturers of circulator pumps and SVILs associated with (1) other DOE standards applying to different products that these manufacturers may also make and (2) product-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and whether there are any flexibilities it can consider that would reduce this burden while remaining consistent with the requirements of EPCA.

I. Other Issues

The CPWG analyzed four ELs (ELs 1 through 4) as potential standard levels for circulator pumps.[14] The CPWG recommended standard level #2 as the

[13] Available online at *https://www.sba.gov/document/support--table-size-standards.*

[14] The CPWG did not analyze SVILs, therefore no standard levels were considered.

proposed standard level, with a compliance date of four years following the publication of a circulator pumps final rule. (Docket No. EERE–2016–BT–STD–0004, No. 98 Recommendation #1 at p. 1).

DOE requests comment on whether there have been any market or technology changes since publication of the 2016 Term Sheets that would make the CPWG's EL 2 recommendation no longer valid.

IV. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified under the **DATES** heading, comments and information on matters addressed in this RFI and on other matters relevant to DOE's consideration of test procedures and energy conservation standards for circulator pumps and small vertical in-line pumps. These comments and information will aid in the development of test procedure and energy conservation standards NOPRs for circulator pumps and small vertical in-line pumps if DOE determines that amended test procedures may be appropriate for this equipment.

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. Following this instruction, 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 on 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'' 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 *Appliance StandardsQuestions@ee.doe.gov.*

A. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comment on the CPWG's recommended definitions for wet rotor circulator pump; dry rotor, two-piece circulator pump; dry rotor, three-piece circulator pump; and horizontal motor. Specifically, DOE requests comment regarding whether changes in the market since the CPWG's recommendation would affect the recommended definitions and scope.

(2) DOE requests comment regarding whether the market changes in the intervening years since the CPWG's recommendation of a definition for ''header pump'' warrant modification of that recommended definition.

(3) DOE requests comment regarding the CPWG-recommended definition of ''on-demand circulator pump'' and whether it is appropriate to retain on-demand circulator pumps within the scope of future analysis.

(4) DOE seeks comment and feedback on the scope and definitions recommended by the CPWG, including whether anything has changed in the market since the conclusion of the

CPWG that would impact the recommended scope and definitions for SVIL pumps.

(5) DOE seeks feedback and information regarding whether it may be appropriate to include SVIL pumps in the circulator pumps rulemaking, in the commercial and industrial pumps rulemaking, or in a separate rulemaking.

(6) DOE seeks comment regarding any other topics related to scope and definitions for circulator pumps and SVIL pumps.

(7) DOE requests comment on the CPWG recommendation to adopt PEI_{CIRC} as the metric to characterize the energy use of certain circulator pumps and on the recommended equation for PEI_{CIRC}, including whether anything in the technology or market has changed since publication of the 2016 Term Sheets that would lead to this metric no longer being appropriate.

(8) DOE requests comment on the recommended definitions for manual speed control, pressure control, adaptive pressure control, temperature control, and external input signal control. Additionally, DOE requests comment on a possible definition for adaptive pressure control.

(9) DOE requests comment on whether any additional control variety is now currently on the market and if it should be considered in this rulemaking.

(10) DOE requests comment on whether the CPWG-recommended reference system curve shape, including the static offset, is reasonable for circulator pumps.

(11) DOE requests comment on the recommended test methods, test points, and weights for circulator pumps with pressure controls, including circulator pumps with adaptive pressure controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

(12) DOE requests comment on the recommended test methods, test points, and weights for circulator pumps with temperature controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

(13) DOE requests comment on the CPWG-recommended test method and the unique test points, weights, and speed factors for circulator pumps distributed in commerce with manual speed controls. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

(14) DOE requests comment on the CPWG-recommended test method for circulator pumps distributed in commerce with only external input signal controls, as well as for those distributed in commerce with external input signal controls in addition to other control varieties. Specifically, DOE requests comment on whether the technology or market for such controls has changed sufficiently since the term sheet to warrant a different approach.

(15) DOE requests comment on the CPWG-recommended test methods, test points, and weights for circulator pumps with no controls.

(16) DOE seeks comment and feedback on whether HI 40.6–2016 or HI 40.6–2021 is an appropriate test method for conducting wire-to-water testing of circulator pumps, as recommended by the CPWG. In addition, DOE seeks comment on whether the modifications in HI 40.6–2016 and/or HI 40.6–2021 adequately capture the CPWG recommended modifications in Recommendation #10.

(17) DOE seeks comment on whether the recommendations for twin-head circulator pumps and circulators-less-volute have been adequately addressed in HI 40.6–2021.

(18) DOE requests comment on the recommendation to test SVIL pumps with the test methods in the general pumps test procedure and additional provisions to account for the differences in size and characteristics of SVIL pump motors. In particular, DOE requests comment on the potential extension of the nominal full load motor efficiency values to reference DOE's small electric motor regulations, including certain single-phase motors, and the need for an exception for SVIL pumps so that those sold with single-phase motors do not have to be rated as bare pumps.

(19) DOE also requests comment on the prevalence of SVIL pumps sold with single-phase versus three-phase motors, and the prevalence of SVIL pumps sold with motors not covered by DOE's small electric motors and electric motors energy conservation standards for either single- or three-phase motors.

(20) DOE also requests comment on whether the equations used to establish the part load motor and drive losses in the general pumps test procedure are appropriate for SVIL pumps under one horsepower. If inappropriate, DOE requests data supporting the generation of alternative loss curves.

(21) DOE seeks comment on whether establishing a standard for circulator pumps and SVIL pumps would be cost-effective, economically justified, technologically feasible, or would result in a significant savings of energy.

(22) DOE requests comment regarding the CPWG recommendation to include all circulator pumps within a single equipment class, especially regarding interim market changes since the recommendation that may warrant changes to that recommendation. DOE additionally seeks comment regarding whether the same recommendations should apply to SVIL pumps.

(23) DOE seeks information on the technologies listed in Table III.1 regarding their applicability to the current market and how these technologies may impact the efficiency of circulator pumps as measured according to the DOE test procedure. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

(24) DOE seeks information on the technologies listed in Table III.1 regarding their market adoption, costs, and any concerns with incorporating them into products (*e.g.,* impacts on consumer utility, potential safety concerns, manufacturing/production/implementation issues, etc.).

(25) DOE seeks comment on other technology options that it should consider for inclusion in its analysis and if these technologies may impact product features or consumer utility.

(26) DOE requests feedback on what impact, if any, the five screening criteria described in this section would have on each of the technology options listed in Table III.1 with respect to circulator pumps. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in circulator pumps.

(27) DOE requests feedback on appropriate baseline efficiency levels for DOE to apply to each equipment class in evaluating whether to establish energy conservation standards for these products.

(28) DOE requests feedback on the appropriate baseline efficiency levels for any newly analyzed equipment classes that are not currently in place or for the contemplated combined equipment classes, as discussed in section III.A.1 of this document. For newly analyzed equipment classes, DOE requests energy use data to characterize the baseline efficiency level.

(29) DOE seeks input on whether the maximum available efficiency levels are appropriate and technologically feasible for potential consideration as possible energy conservation standards for circulator pumps—and if not, why not.

(30) DOE also requests feedback on which maximum efficiencies are representative of those for the other circulator pumps not included within the scope of the Term Sheets. If the range of possible efficiencies is different for such other equipment, what alternative approaches should DOE consider using for those equipment classes and why?

(31) DOE seeks feedback on what design options would be incorporated at a max-tech efficiency level, and the efficiencies associated with those levels. As part of this request, DOE also seeks information as to whether there are limitations on the use of certain combinations of design options.

(32) DOE requests feedback on whether, and if so how, manufacturers would incorporate the technology options listed in Table III.1 to increase energy efficiency in circulator pumps beyond the baseline. This includes information in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

(33) DOE also seeks input on the increase in MPC associated with incorporating each particular design option. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

(34) DOE requests comment on whether certain design options may not be applicable to (or incompatible with) specific equipment classes.

(35) DOE requests feedback on what manufacturer markups are appropriate for non-built-in and built-in products, respectively.

(36) DOE requests information on whether there have been market changes since the CPWG that would affect the distribution channels and the percentage of circulator pump shipments in each channel and sector, as shown in Table III.2, and if so, how such market changes would affect the circulator pump distribution channels. DOE also requests information on whether the same distribution channels and associated breakdowns across sectors apply for SVIL pumps, and if not, DOE requests relevant data on the SVIL distribution channels and their market shares.

(37) DOE requests data and information on whether the breakdowns of circulator pumps by sector and application have changed since the CPWG proceedings, and if so, how. DOE also requests information on the market applications of SVIL pumps and how those are broken down by sector.

(38) DOE requests feedback on whether there have been market changes since the CPWG meetings that would warrant a different estimate of the fraction of circulator pumps sold with on-demand controls, and if so, what that fraction is.

(39) DOE requests information on any updated or recent data sources, such as circulator pump field metering studies, to inform and validate the circulator pump operating hours in the residential and commercial sectors and across all applications. DOE also requests comment on whether there have been any technology or market changes since the term sheet to warrant a different approach on the circulator pump operating hours.

(40) DOE requests input on the operating hours for SVIL pumps by sector and application, and specifically, whether a similar approach should be followed for SVIL pumps, as the one used to estimate operating hours for circulator pumps.

(41) DOE requests feedback and data on whether any changes in the circulator pump market since 2015 have affected the market efficiency distribution of circulator pumps, and if so, how. DOE also requests information on the current efficiency distribution of SVIL pumps.

(42) DOE requests data and information on the installation costs of SVIL pumps, and whether those vary by motor type, control type, or any other factor affecting their efficiency. DOE also requests input on SVIL repair and maintenance costs and frequencies, and SVIL lifetimes, including average and maximum service lifetimes.

(43) DOE requests circulator pump annual sales data (*i.e.,* number of shipments) from 2016 to 2020 broken out by circulator category, horsepower rating, and circulator housing material. If disaggregated fractions of annual sales are not available, DOE requests more aggregated fractions of annual sales. DOE also requests annual historical shipments data for SVILs for the past 10 years, if possible disaggregated by horsepower rating, motor type, housing material, or any other differentiating factor used in the industry.

(44) DOE requests information on any market changes since 2015 that would justify using market drivers and saturation trends that are different than those recommended by the CPWG. DOE also requests input on the market drivers and saturation trends that would help project shipments for SVIL pumps.

(45) To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute circulator pumps or SVILs in the United States.

(46) DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by amended energy conservation standards. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size threshold, of circulator pumps or SVILs that manufacture products in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by amended energy conservation standards. DOE requests feedback on any potential approaches that could be considered to address impacts on manufacturers, including small businesses.

(47) DOE requests comment on whether there have been any market or technology changes since publication of the 2016 Term Sheets that would make the CPWG's EL 2 recommendation no longer valid.

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. 2021–09242 Filed 5–6–21; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2021–BT–STD–0011]

RIN 1904–AE99

Energy Conservation Program: Energy Conservation Standards for Consumer Products; Early Assessment Review; Ceiling Fans

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 for amended energy conservation standards for ceiling fans to determine whether to amend applicable energy conservation standards for this product. Specifically, through this request for information (''RFI''), DOE seeks data and information to evaluate whether amended energy conservation standards would result in significant savings of energy; be technologically feasible; and be economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including those topics not specifically raised in this RFI), as well as the submission of data and other relevant information concerning this early assessment review.

DATES: Written comments and information are requested and will be accepted on or before June 7, 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: *CeilingFans2021STD0011@ee.doe.gov.* Include ''Ceiling Fans Early Assessment Energy Conservation Standard RFI'' and docket number EERE–2021–BT–STD–0011 and/or RIN number 1904–AE99 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 character or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail 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 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.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

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/#!docketDetail;D=EERE-2021-BT-STD-0011.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, 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) 586–9870. 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:

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I. Introduction

DOE has established an early assessment review process to conduct a more focused analysis to evaluate, based on statutory criteria, whether a new or amended energy conservation standard is warranted. 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 a new or amended energy conservation standard. If DOE makes an initial determination that a new or amended energy conservation standard would satisfy the applicable statutory criteria or DOE's analysis is inconclusive, DOE would undertake the preliminary stages of a rulemaking to issue a new or amended energy conservation standard. If DOE makes an initial determination based upon available evidence that a new or amended energy conservation standard would not meet the applicable statutory criteria, DOE would engage in notice and comment rulemaking before issuing a final determination that new or amended energy conservation standards are 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 ceiling fans, the subject of this document. (42 U.S.C. 6291(49); 42 U.S.C. 6293(b)(16)(A)(i) and (B); and 42 U.S.C. 6295(ff))

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

[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.

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).

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) The Secretary may not prescribe an amended or new standard that will not result in significant conservation of energy, or is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3))

EPCA also requires that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered product, including those at issue here, and publish either a notification of determination that the standards do not need to be amended, or a NOPR that includes new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1)) DOE is publishing this RFI in accordance with the 6-year lookback requirement.

B. Rulemaking History

In a final rule published on October 18, 2005, DOE codified design standards prescribed by EPCA for ceiling fans. 70 FR 60407, 60413. These standards are set forth in DOE's regulations at title 10 of the Code of Federal Regulations (''CFR'') section 430.32(s), and require all ceiling fans manufactured on or after January 1, 2007, to have (1) fan speed controls separate from any lighting controls; (2) adjustable speed controls (either more than one speed or variable speed); and (3) the capability for reverse action (other than fans sold for industrial or outdoor application or where safety would be an issue)). (42 U.S.C. 6295(ff)(1)(A))

In a final rule published January 19, 2017, DOE established energy conservation standards for ceiling fans, which are expressed as the minimum allowable efficiency in terms of cubic feet per minute per watt (''CFM/W''), as a function of ceiling fan diameter in inches. These standards were to apply to all covered ceiling manufactured in, or imported into, the United States on and after January 21, 2020. 82 FR 6826, 6827 (''January 2017 Final Rule'').

The Energy Act of 2020 (Pub. L. 116–260), which was signed into law on December 27, 2020, amended performance standards for large-diameter ceiling fans.[3] (42 U.S.C. 6295(ff)(6)(C)(i), as codified) Pursuant to the Energy Act of 2020, large-diameter ceiling fans are subject to standards in terms of the Ceiling Fan Efficiency Index (''CFEI'') metric, with one standard based on operation of the fan at high speed and a second standard based on operation of the fan at 40 percent speed or the nearest speed that is not less than 40 percent speed. (42 U.S.C. 6295(ff)(6)(C)(i), as codified)

The current energy conservation standards are located in 10 CFR 430.32(s). The currently applicable DOE test procedures for ceiling fans appear at 10 CFR part 430, subpart B, appendix U, Uniform Test Method for Measuring the Energy Consumption of Ceiling Fans (''Appendix U''). Sampling and certification requirements for ceiling fans are set forth at 10 CFR 429.32.

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 energy conservation standards rulemaking. Below DOE has identified certain topics for which information and data are requested to assist in the evaluation of the potential for amended energy conservation standards. DOE also welcomes comments on other issues relevant to its early assessment that may not specifically be identified in this document.

A. Scope

EPCA defines a ''ceiling fan'' as ''a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades.'' (42 U.S.C. 6291(49)) DOE has established seven product classes for ceiling fans: Highly decorative, belt-driven, very small-diameter, hugger, standard, high-speed small-diameter, and large-diameter fans. 82 FR 6826, 6836 Belt-driven and highly decorative ceiling fans are not presently subject to performance standards. 10 CFR 430.32(s)(2)(ii)(C) and (E). DOE also has not established performance standards for centrifugal ceiling fans, oscillating ceiling fans, or ceiling fans whose blades' plane of rotation cannot be within 45 degrees of horizontal fans. 10 CFR 430.32(s)(2)(ii)(A), (B), and (D). The five product classes subject to performance standards are delineated by fan diameter, blade thickness, and blade-to-ceiling distance. Those product classes are: High-speed small-diameter (''HSSD''), hugger, large-diameter (''LDCF''), standard, and very-small-diameter (''VSD'') as defined in 10 CFR part 430, subpart B, appendix U.

Issue 1: DOE requests comment and data that would allow DOE to evaluate whether energy conservation standards would be technically feasible and economically justified for belt-driven ceiling fans. Specifically, DOE requests comment on the number of models of belt-driven ceiling fans available, the number of shipments, and the technology options that might be incorporated to improve energy efficiency.

Issue 2: DOE seeks information regarding any other new product classes it should consider for inclusion in its analysis. DOE also requests relevant data detailing the corresponding impacts on energy use that would justify separate product classes (*i.e.,* explanation for why the presence of these performance-related features would increase or decrease energy consumption).

B. Significant Savings of Energy

In the January 2017 Final Rule, DOE established an energy conservation standard for ceiling fans that is expected to result in 2.01 quadrillion British thermal units (''quads'') of full fuel cycle (FFC) energy savings over a 30-year period. 82 FR 6826, 6828. Additionally, in the January 2017 Final Rule, DOE estimated that an energy conservation standard established at an energy use level equivalent to that achieved using the maximum available technology (''max-tech'') relative to the selected energy use level would have

[3] A large-diameter ceiling fan is a ceiling fan that is greater than seven feet in diameter. 10 CFR part 430 subpart B appendix U section 1.14.

resulted in 1.73 additional quads of FFC energy savings.[4] 82 FR 6826, 6874.

While DOE's request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following topics to inform whether potential amended energy conservation standards would result in a significant savings of energy.

1. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how products are used by consumers, and thereby determine the energy savings potential of energy efficiency improvements. DOE bases the energy consumption of ceiling fans on their rated power usage as determined by the DOE test procedure and as provided from the engineering analysis. The energy use analysis is meant to represent typical energy consumption in the field.

For the January 2017 Final Rule, DOE combined the ceiling fan power ratings from the engineering analysis with estimates of the distribution of annual operating hours in field operating conditions. DOE assumed that all standard, hugger, and VSD ceiling fans with brushless direct current (''DC'') motors and 7 percent of those fans with alternating current (''AC'') motors (which were estimated to have a remote control) have standby power consumption. For such ceiling fans, DOE assumed a power usage of 0.7 watts and that all hours of the year not in active mode were in standby mode. 82 FR 6826, 6846.

For HSSD and large-diameter ceiling fans, DOE assumed 12 hours per day, on average, of active mode operation. DOE assumed that HSSD ceiling fans spend approximately 10 percent of the time at high and 10 percent at low speeds, with the remaining 80 percent of the time spent at medium speed. 82 FR 6826, 6847. For LDCFs, DOE assumed an equal proportion of time spent at each of the speeds tested according to the DOE test procedure for ceiling fans. 81 FR 48619, 48632–48633. As with standard, hugger, and VSD ceiling fans, DOE estimated hours of operation in standby mode for HSSD and LDCFs as the number of hours not spent in active mode. DOE assumed HSSD ceiling fans with DC motors had standby power consumption of 0.7 watts. For LDCFs, DOE assumed a standby power consumption of 7 watts, regardless of motor type. 82 FR 6826, 6847. For details on the energy use analysis, see chapter 7 of the January 2017 Final Rule Technical Support Document (''2017 CF ECS TSD'').[5]

Issue 3: DOE requests comment and data on the assumptions used in the January 2017 Final Rule regarding the daily operating hours and the proportion of time spent at each speed setting for ceiling fans, specifically HSSD and LDCFs.

Issue 4: DOE requests data and feedback on the fraction of standard, hugger, and VSD ceiling fans with remote controls, and therefore standby power consumption.

Issue 5: DOE requests comment on whether any of the smart technologies available on the market would impact the efficiency of ceiling fans as measured by DOE's test procedure at 10 CFR part 430, subpart B, appendix U. Specifically, DOE seeks comment on whether smart technologies improve the efficiency of ceiling fans or impact the number of operating hours in each mode. DOE additionally requests data regarding the comparative energy use of fans with and without smart technology.

2. Shipments

DOE develops shipments forecasts of ceiling fans to calculate the national impacts of potential amended energy conservation standards on energy consumption, net present value (''NPV''), and future manufacturer cash flows. DOE shipments projections are based on available historical data broken out by product class and efficiency. Current sales estimates allow for a more accurate model that captures recent trends in the market.

For the January 2017 Final Rule, DOE relied on various sources for estimating historical shipments data for ceiling fans. For standard, hugger, and VSD ceiling fans, DOE used data from Appliance magazine's Statistical Review from 1991–2006, data from ENERGY STAR Annual Reports from 2003–2013, and data purchased from NPD Research group from 2007–2011. DOE disaggregated shipments between standard, hugger, and VSD product classes based on the relative fraction of model counts found online and in-store and feedback from manufacturers. DOE was unable to find historical shipments data for HSSD and LDCFs; therefore, DOE primarily relied on manufacturer feedback and available model counts online to estimate shipments. 82 FR 6826, 6853. For details on the shipments methodology used in the previous rulemaking, see chapter 9 of the 2017 CF ECS TSD. Table II.1 shows estimated annual shipments by product class from 2016 to 2020.

TABLE II.1—ANNUAL SHIPMENTS FOR CEILING FANS

[Thousand units]

Year	Standard	Hugger	VSD	HSSD	LDCF
2016	9,718	9,216	76	540	11
2017	10,015	9,499	78	554	12
2018	10,232	9,704	80	564	14
2019	10,296	9,765	81	571	15
2020	10,258	9,729	82	542	15

Issue 6: DOE requests historical ceiling fan shipments data for each product class listed in section II.A and seeks feedback on how the annual shipments estimates shown in Table II.1 compare to the actual shipments in those years. If disaggregated shipments data are not available at the product class level, DOE requests shipments data at any broader available category (*e.g.,* residential vs. commercial and industrial sectors).

C. Technological Feasibility

During the January 2017 Final Rule, DOE considered a number of technologies for reducing ceiling fan energy consumption. 82 FR 6826, 6837–6838. DOE is interested in understanding any technology

[4] DOE determined this amount by subtracting the FFC energy from TSL 5 (max-tech) from the FFC energy from TSL 4 (current standard); 3.74 − 2.01 = 1.73 quads.

[5] The 2017 CF ECS TSD can be found here: *https://www.regulations.gov/document?D=EERE-2012-BT-STD-0045-0149.*

improvements relative to ceiling fans since the previous energy standards rulemaking. Additionally, DOE is interested in any changes to the technologies it evaluated in preparation for the January 2017 Final Rule that may affect whether DOE could propose a ''no-new-standards'' determination, such as an insignificant increase in the range of efficiencies and performance characteristics of these technology options. DOE also seeks comment on whether there are any other technology options that DOE should consider in its analysis.

While DOE's request for information is not limited to the following issues, DOE is particularly interested in comment, information, and data on the following.

1. Technology Options

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. A complete list of the options considered in the January 2017 Final Rule appears in Table II.2. Table II.3 lists additional technology options that DOE may consider in a future ceiling fan energy conservation standards rulemaking that were not considered in the January 2017 Final Rule.

TABLE II.2—TECHNOLOGY OPTIONS FOR CEILING FANS CONSIDERED IN THE DEVELOPMENT OF THE JANUARY 2017 FINAL RULE

Technology option	Description
Fan optimization	This represents increasing the efficiency of a fan by adjusting existing fan design features. These adjustments could include changing blade pitch, fine-tuning motor RPM, and/or changing internal motor characteristics.
More Efficient Motors:	
Larger direct drive single-phase induction motors.	This represents increasing the mass and/or choosing steel with better energy efficiency characteristics for the stator and rotor stack, improving the lamination design, increasing the cross section and/or length of the copper wiring inside the motor.
Three-phase induction motors	Three-phase induction motors have lower thermal energy losses than typical single-phase motors typically found in residential line-power applications. They also have a more even torque on the rotor resulting in a more efficient rotation and less motor ''hum.'' In residential applications, an electronic drive would be necessary to convert single-phase power into three-phase.
Brushless DC Motor	In residential applications, brushless DC motors typically consist of a permanent magnet synchronous AC motor that is driven by a multi-pole electronic drive system. Similar to DC motors, brushless DC motors typically achieve better efficiency that standard AC motors because they have no rotor energy losses.
Geared Brushless DC motor in LDCFs.	Fans with brushless DC geared motors have fan blades attached to the motor via a geared mechanism.
Gearless Brushless DC motor in LDCFs.	A brushless DC motor drives the fan blades directly without the use of a geared mechanism, avoiding drive efficiency losses associated with the gearbox.
Premium AC motor in LDCFs	Premium AC motors are NEMA Premium® motors that are highly energy efficient electric motors. A motor can be marketed as a NEMA Premium motor if it meets or exceeds a set of minimum full-load efficiency levels.[6] Such NEMA motors are available in integral horsepower capacities (*i.e.,* 1 hp+).
More Efficient Blades:	
Curved Blades	Curved blades are blades for which the centerline of the blade cross section is cambered. Curved blades generally have uniform thickness and no significant internal volume.
Airfoil Blades	Airfoil blades use curved surfaces to improve aerodynamics, but the thickness is not uniform, and the top and bottom surfaces do not follow the same path from leading edge to trailing edge. Airfoil blades typically do not operate as efficiently in reverse, potentially impacting consumer utility on models where reverse flow was an option.
Twisted Blades	Twisted blades reduce aerodynamic drag and improve efficiency by decreasing the blade pitch or twist from where the blade attaches to the motor casing to the blade tip.
Blade attachments	Blade attachments refer to upswept blade tips or other components that can be fastened to a fan blade to potentially increase airflow or reduce drag.
Beveled Blades	Beveled blades are typically beveled at the blade edges from the motor casing to the blade tip. Beveled fan blades are more aerodynamic than traditional fan blades.
Alternative Blade Materials	Use of alternative materials could enable more complex and efficient blade shapes (plywood vs MDF vs injection molded resin, for example).
Ceiling Fan Control Sensors:	
Occupancy Sensors	Occupancy sensors use technologies that detect the presence of people through movement, body heat, or other means. Ceiling fans with an occupancy sensor could power down if they sense that a room is unoccupied.
Wind and Temperature Sensors.	Wind and temperature sensors detect temperature changes in the surrounding space, or potential wind speed reductions below certain thresholds. Ceiling fans could potentially adjust fan speed based on the wind and temperature in the space the ceiling fan is located when coupled with these sensors.

[6] NEMA Premium Motors Information Page: *https://www.nema.org/Policy/Energy/Efficiency/Pages/NEMA-Premium-Motors.aspx.*

TABLE II.3—POTENTIAL NEW TECHNOLOGY OPTIONS FOR CEILING FANS

Technology option	Description
Permanent Magnet DC Motor (Brushed DC Motors).	Permanent magnets are located on the motor stator with brushes contacting a commutator on the rotor. These are more efficient than AC motors but require more maintenance than AC motors since the brushes wear out.
Self-Balancing Systems	Some fans advertise a self-balancing system that prevents wobbling of the fan blades. The advertised benefits include reduction in noise and improvements in blade aerodynamics. An improvement in blade aerodynamics is generally expected to reduce energy fan consumption.

While DOE's compliance certification database does not currently have manufacturers report efficiency, DOE's market research, along with public databases like the California Energy Commissions (''CEC'') Modern Appliance Efficiency Database System and the Energy Star Certified Ceiling Fans Database, indicate that many ceiling fans on the market exceed DOE's maximum-technologically (''max-tech'') feasible designs presented in the January 2017 Final Rule.

Issue 7: DOE seeks information on the technologies listed in Table II.2 of this document regarding their applicability to the current market and how these technologies may impact the efficiency of ceiling fans as measured according to the DOE test procedure. DOE also seeks information on how these technologies may have changed since they were considered in the January 2017 Final Rule analysis. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option as well as the impact of each on availability of ceiling fan features or consumer utility.

Issue 8: DOE seeks information on the technologies listed in Table II.3 of this document regarding their market adoption, costs, and any concerns with incorporating them into products (*e.g.,* impacts on consumer utility, potential safety concerns, manufacturing/production/implementation issues, etc.). Further, DOE seeks comment on other technology options not listed in Table II.3 of this document that it should consider for inclusion in its analysis and if these technologies may impact product feature availability or consumer utility.

Issue 9: As DOE assesses the technologies listed in Table II.2 and Table II.3 of this document for LDCFs, DOE seeks information about the relationship between the CFM/W and the CFEI metric. Specifically, DOE requests comment about whether the technologies that improve the efficiency in terms of CFM/W also improve efficiency in terms of CFEI. Further, DOE seeks airflow and power usage data at high speed and at 40 percent speed (or the nearest speed that is not less than 40 percent speed) for LDCFs currently on the market.

Issue 10: DOE seeks feedback on what additional design options are incorporated in the commercially available products that exceed DOE's max-tech. Specifically, DOE requests comment on the fans present in the CEC Modern Appliance Efficiency Database System and the Energy Star Certified Ceiling Fans Database that exceed DOE's previous max-tech efficiency levels and whether this increase is due to new technology options that would represent a new max-tech model or a sacrifice of consumer utility.

Issue 11: DOE requests feedback on whether, and if so how, manufacturers would incorporate the technology options listed in Table II.2 and Table II.3 of this document to increase energy efficiency in ceiling fans beyond the baseline. This includes information on the order in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products from the baseline through the max-tech designs (and beyond max-tech designs where possible). As part of this request, DOE seeks information as to whether there are limitations on the use of certain combinations of design options. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

Issue 12: DOE requests comment on whether certain design options may not be applicable to (or are incompatible with) specific product classes.

2. Screening of Technology Options

The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies will be eliminated from further consideration and which will be passed to the engineering analysis for further consideration. DOE determines whether to eliminate certain technology options from further consideration based on technological feasibility; practicability to manufacture, install, and service; adverse impacts on product utility or product availability; adverse impacts on health or safety; and unique-pathway proprietary technologies. 10 CFR part 430, subpart C, appendix A, 6(c)(3) and 7(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from consideration.

Table II.4 summarizes the technology options that DOE screened out in the January 2017 Final Rule, and the applicable screening criteria. Most technologies were eliminated because of significant adverse impacts on the utility of the equipment to a considerable number of consumer subgroups. 82 FR 6826, 6837–6839. Three-phase induction motors were not considered as a design option for standard, hugger, VSD, and HSSD fans, primarily because three-phase power is extremely uncommon in residential applications. Large direct-drive single-phase induction motors were screened out for HSSD and LDCF because HSSD manufacturers indicated that HSSD ceiling fans already use the most efficient size of AC induction motors, while LDCF manufacturers stated that increasing the size of the motor in a LDCF will not improve energy efficiency. See chapter 4 of the 2017 CF ECS TSD.

TABLE II.4—PREVIOUSLY SCREENED OUT TECHNOLOGY OPTIONS FROM THE JANUARY 2017 FINAL RULE *

Screened technology option	Screening criteria (X = Basis for screening out)				
	Technological feasibility	Practicability to manufacture, install, and service	Adverse impact on product utility	Adverse impacts on health and safety	Unique-pathway proprietary technologies
Three-phase induction motors (Standard, hugger, and HSSD ceiling fans)	X				
Beveled blades			X		
Twisted blades			X		
Blade attachments			X		
Alternative blade materials			X		
Occupancy, wind, and temperature sensors			X		
Single-phase direct-drive induction motors (Large diameter ceiling fans)	X				

* Affected equipment classes are listed in the parenthetical.

Issue 13: DOE requests feedback on what impact, if any, the five screening criteria described in this section would have on each of the technology options listed in Table II.2 and Table II.3 of this document with respect to ceiling fans. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in ceiling fans.

Issue 14: DOE requests comment on which technology options are specific to air flow, as measured by the DOE test procedure. DOE is interested in which technology options, if any, provide both consumer comfort and improved energy efficiency. As such, DOE also requests data on consumer buying patterns and whether or not consumers have specific requests regarding blade shape and material, fan hub size and shape, and other aspects of the design.

3. Representative Ceiling Fan Blade Span

Ceiling fans are sold with a range of diameters or blade spans. It is impractical to conduct a detailed engineering analysis on every possible blade span. As such, for the January 2017 Final Rule, DOE identified representative sizes for each ceiling fan product class to use as the basis for its engineering analysis. 82 FR 6826, 6852. The representative unit sizes evaluated to support the January 2017 Final Rule are presented in Table II.5.

TABLE II.5—REPRESENTATIVE CEILING FAN DIAMETERS/BLADE SPANS USED IN THE DEVELOPMENT OF THE JANUARY 2017 FINAL RULE

Product class	Representative unit sizes (blade span)
VSD	13-inch
Standard	16-inch 44-inch 52-inch 60-inch
Hugger	44-inch 52-inch
HSSD	36-inch 56-inch
LDCF	8-foot 12-foot 20-foot

Issue 15: DOE requests feedback on whether the representative blade spans listed in Table II.5 of this document are representative for the respective ceiling fan product classes. If the blade spans listed in Table II.5 of this document are not representative for a given product class, DOE seeks data and supporting information on what blade spans are representative for each product class. Specifically, DOE is interested in information about any units that would have a significantly different cost-efficiency curve from the representative units. For example, if certain technology options are not feasible for a given blade span or would significantly increase costs for blade spans above or below the representative units.

4. Baseline Efficiency Levels

For each established product class, DOE selects a baseline model as a reference point against which any changes resulting from new or amended energy conservation standards can be measured. The baseline model in each product class represents the characteristics of common or typical products in that class. Typically, a baseline model is one that meets the current minimum energy conservation standards and provides basic consumer utility. Consistent with this analytical approach, DOE expects to consider the current minimum energy conservations standards (which went into effect on January 1, 2020) to establish the baseline efficiency levels for each product class. The current standards for each product class are based on CFM/W for small-diameter fans and on CFEI for LDCFs. The current standards for ceiling fans are found at 10 CFR 430.32(s).

Issue 16: DOE requests feedback on whether using the current established energy conservation standards for ceiling fans are appropriate baseline efficiency levels for DOE to apply to each product class in evaluating whether to amend the current energy conservation standards for these products. If the current energy conservation efficiency levels are not appropriate for use as baseline efficiency levels, DOE requests proposals for alternate baseline efficiency levels, supported by appropriate market and technical data.

Issue 17: DOE requests feedback on the appropriate baseline efficiency levels for any potential product classes that are not currently in place or for any contemplated combined product classes, as discussed in section II.A of this document. For potential new product classes, DOE requests energy use data to characterize the baseline efficiency level.

5. Standby Energy Consumption Metric

As stated, LDCFs are no longer subject to the minimum efficiency requirements in terms of the CFM/W metric as established in the January 2017 Final Rule, (42 U.S.C. 6295(ff)(6)(C)(i)(I), as codified) instead, LDCFs are subject to standards in terms of the CFEI metric. (42 U.S.C. 6295(ff)(6)(C)(i)(II), as

codified) LDCFs are subject to two separate standards: One at operation of the fan at high speed and the other at operation of the fan at 40 percent speed or the nearest speed that is not less than 40 percent speed (''40 percent speed''). *Id.* CFEI is calculated according to ANSI/AMCA 208–18, which in turn references ANSI/AMCA 230–15, the industry test standard for circulating fans (which is already incorporated by reference as the test standard for testing LDCFs in Appendix U). (42 U.S.C. 6295(ff)(6)(C)(ii), as codified)

The previously applicable CFM/W metric incorporates active mode at multiple speeds, standby mode, and off mode into a single metric. Since CFEI does not capture standby mode or off mode, DOE may need to develop a separate standby mode metric for LDCFs. The test procedure for measuring standby power consumption is specified in Appendix U.

Issue 18: As discussed in section B.1 of this RFI, the 2017 CF ECS Final Rule assumed 7 watts for standby operation of LDCFs. DOE requests data on standby power consumption for LDCFs. DOE further requests comment on any technology options that increase or decrease standby energy consumption. Finally, DOE requests comment on any impacts a standby energy consumption standard might have on operation and function of a LDCF.

D. Economic Justification

In determining whether a proposed energy conservation standard is economically justified, DOE analyzes, among other things, the potential economic impact on consumers, manufacturers, and the Nation. As discussed in more detail below, DOE is interested in whether there are economic barriers to the adoption of more-stringent energy conservation standards and if there are any other aspects of its economic justification analysis from the January 2017 Final Rule that may indicate whether a more-stringent energy conservation standard would be economically justified or cost effective.

1. Cost Analysis

For the January 2017 Final Rule, DOE used a combination of physical and catalog teardowns for the cost assessment to build ''bottom up'' manufacturing cost assessments of different models of ceiling fans. 82 FR 6826, 6841–6842; see chapter 5 of the 2017 CF ECS TSD. DOE initially identified a representative sample of baseline efficiency models and more efficient models that incorporate design options DOE was considering. DOE then utilized physical and catalog teardowns to generate a bill of materials for the baseline efficiency models. DOE relied on technology pairs, where a similarly constructed ceiling fan incorporates a new technology option that allows it to achieve greater efficiency, to evaluate the cost increase associated with technology options that increase efficiency. See section 5.2 of the 2017 CF ECS TSD.

DOE is aware that features are available for ceiling fans that may not have been as widely available at the time of the last energy conservation standards analysis. One such example could be the increased prevalence of ''smart'' ceiling fans that have wireless connectivity. These fans may have new components that impact the overall cost of the fan.

Issue 19: DOE requests comment on whether there have been substantial changes in the ceiling fan market that would impact the results of the cost analysis. Specifically, DOE is interested in whether and how the costs estimated for design options in the January 2017 Final Rule have changed since the time of that analysis due to the increased use of components such as remotes and sensors for smart phone connection.

2. Markups Analysis

DOE derives consumer prices by applying markups to the MSP. In deriving markups, DOE determines the major distribution channels for product sales, the markup associated with each party in each distribution channel, and the existence and magnitude of differences between markups for baseline products (''baseline markups'') and higher-efficiency products (''incremental markups''). The identified distribution channels (*i.e.,* how the products are distributed from the manufacturer to the consumer), and estimated relative sales volumes through each channel are used in generating end-user price inputs for the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the national impact analysis.

In the January 2017 Final Rule, DOE considered two major categories of ceiling fans to derive their distribution channels. The first category, corresponding mainly to the residential sector, was comprised of standard, hugger and VSD ceiling fans. The other category included LDCFs and HSSD ceilings fans, which are typically installed in commercial and industrial applications. For standard, hugger and VSD ceiling fans, DOE identified four distribution channels and estimated their market shares for 2019 based on manufacturer interviews, as shown in Table II.6. For the commercial and industrial sectors, DOE considered a distribution channel in which the consumer receives the product from the manufacturer through an external dealer/conventional dealer or an in-house manufacturer dealer.[7] 82 FR 6826, 6845. Furthermore, a review of the market indicates that consumers are increasingly purchasing ceiling fans through online channels, which DOE did not explicitly consider in the January 2017 Final Rule. DOE is therefore interested in the magnitude and impact of online sales to the ceiling fans markups analysis.

TABLE II.6—DISTRIBUTION CHANNELS FOR STANDARD, HUGGER AND VSD CEILING FANS

Distribution channel	Market share in 2019 (%)
Manufacturer → Home Improvement Center → Consumer	12.9
Manufacturer/Home Improvement Center (in-store label) → Consumer	61.6
Manufacturer → Wholesaler → Contractor → Consumer	18.0
Manufacturer → Showroom → Consumer	7.5

[7] For both cases, DOE assumed the same markup for in-house dealers and external dealers.

Issue 20: DOE requests feedback on whether the distribution channels and underlying assumptions used in the January 2017 Final Rule are still applicable, as well as data to update its markups analysis for ceiling fans.

Issue 21: DOE requests data and feedback on the magnitude and impact of online sales to the ceiling fans distribution channels. DOE also seeks input on whether the markups for online sales are significantly different from ceiling fans sold through conventional distribution channels.

3. Life-Cycle Cost and Payback Period Analysis

DOE conducts the LCC and PBP analysis to evaluate the economic effects of potential energy conservation standards for ceiling fans on individual consumers. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total consumer expense over the life of the equipment, consisting of purchase, installation, and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the cost of the equipment—which includes MSPs, distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, equipment lifetimes, discount rates, and the year that compliance with new and amended standards is required.

a. DC Motor Market Share and Efficiency Trends

DOE measures savings of potential standards relative to a ''no-new-standards'' case that reflects conditions without new and/or amended standards and uses current efficiency market shares to characterize the ''no-new-standards'' case product efficiency distribution. By accounting for consumers who already purchase more efficient ceiling fans, DOE avoids overstating the potential benefits from potential standards. Online ceiling fan data collection performed in support of the January 2017 Final Rule suggested that approximately 10 percent of standard and hugger ceiling fan models listed online in 2015 had DC motors. More recent data collection shows that approximately 14 percent of standard and hugger ceiling fan models listed online have DC motors, suggesting a trend toward DC motors. Since DC motors are generally more efficient than AC motors, standard and hugger ceiling fans with DC motors are expected to be more efficient than those with AC motors.

Issue 22: DOE requests feedback and data on the current market share of DC motor ceiling fans for each product class. DOE also requests feedback and data that would help characterize any shifts to higher efficiency technologies for each ceiling fan product class.

b. Installation Costs

In the January 2017 Final Rule, DOE assumed that installation costs were the same regardless of efficiency level for a given product class. 82 FR 6826, 6848. DOE is not aware of any data that suggest the cost of installation changes as a function of efficiency for ceiling fans. DOE therefore assumed that installation costs are the same regardless of efficiency level and do not impact the LCC or PBP. As a result, DOE did not include installation costs in the LCC and PBP analysis.

Issue 23: DOE requests feedback and data on whether any market or technology changes since the January 2017 Final Rule would indicate that installation costs vary by efficiency level. More specifically, DOE is interested in if and how installation costs are affected by ceiling fans with the specific technology options listed in Table II.2 and Table II.3 of this document.

c. Repair and Maintenance Costs

In the January 2017 Final Rule, DOE assumed that maintenance costs are the same for any given product class, regardless of efficiency level and therefore do not impact the LCC or PBP analyses. DOE included a purchaser repair cost for 6.5 percent of ceiling fans with brushless DC motors (primarily due to their electronic components) based on an estimate from a ceiling fan technical expert, and no repair cost for AC motor fans. 82 FR 6826, 6850. This 6.5 percent repair rate is incremental over the assumed repair rate of ceiling fans with AC motors. The repair cost was $1,000 for LDCFs and $150 for all other product classes. All repair costs were assessed at half of the product lifetime.

Issue 24: DOE requests information and data on the frequency of repair and repair costs by product class for the technology options listed in Table II.2 and Table II.3 of this document. DOE particularly requests information and data to inform the assumption from the January 2017 Final Rule that ceiling fans with DC motors require repair at a higher frequency than ceiling fans with AC motors. While DOE is interested in information regarding each of the listed technology options, DOE is also interested in whether consumers simply replace the products when they fail as opposed to repairing them.

d. Lifetimes

In the January 2017 Final Rule, DOE used historical shipments data and age distributions from installed stock data of standard and hugger ceiling fans to model ceiling fan lifetimes using a Weibull function having a mean of 13.8 years for all product classes. 82 FR 6826, 6851.

Issue 25: DOE requests feedback and data on the expected lifetimes of ceiling fans. In particular, DOE is interested in data that indicate if and how lifetimes differ by product class, as well as data on the expected lifetimes of VSD, HSSD, and large-diameter ceiling fans.

4. Net Present Value

To develop the national NPV from potential standards, DOE calculates annual energy expenditures and annual equipment expenditures for the no-new-standards case and the standards case. The discounted difference between energy bill savings and increased equipment expenditures in each year is the NPV.

For the January 2017 Final Rule, DOE applied a price decline trend for ceiling fans with brushless DC motors. Given the absence of historical price data and cumulative shipments for brushless DC motors, DOE assumed that it is the circuitry and electronic controls associated with brushless DC motors that would be affected by price trends driven by the larger electronics industry. As a result, DOE adopted an annual price decline rate of 6 percent applied to the incremental cost associated with a brushless DC motor (*i.e.,* the cost difference between the ceiling fan with a brushless DC motor and the ceiling fan at the lower efficiency level). 82 FR 6826, 6854.

Issue 26: DOE requests feedback and any relevant data that could inform its price trend methodology for ceiling fans. Specifically, DOE is interested in data indicating how the price of ceiling fans with DC motors has changed since the January 2017 Final Rule.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date under the **DATES** heading, comments and information on matters addressed in this notification and on other matters relevant to DOE's early assessment of whether more-stringent energy conservation standards are not warranted for ceiling fans.

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. 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. 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 *Appliance StandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on May 2, 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 May 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–09703 Filed 5–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0156; Project Identifier AD–2020–01594–T]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Gulfstream Aerospace Corporation (Gulfstream) Model GVII–G500 airplanes. This proposed AD results from flap yoke fittings with design features that cause decreased fatigue life. This proposed AD would require replacing the flap inboard and outboard yoke fitting assemblies and establishing a 20,000 flight cycle life limit for the fittings. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 21, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

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

For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0156; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Jeff Johnson, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Ave., College Park, GA 30337; phone: (404) 474–5554; fax: (404) 474–5606; email: *jeffrey.d.johnson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0156; Project Identifier AD–2020–01594–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jeff Johnson, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Ave., College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

During flight testing of a Gulfstream Model GVII–G500 airplane, when the aircraft was configuring for a steep approach test point, the crew received a flap failure message. After landing, inspection revealed that the left-hand flap track 'B' yoke had become disconnected due to structural failure. Gulfstream's investigation to determine the root cause of the failure revealed that the flap yoke fittings for certain serial-numbered Gulfstream Model GVII–G500 airplanes have design features that cause decreased fatigue life. The unsafe design features include insufficient shaft diameter, a small fillet radius detail at the top of the shaft, and a rough surface finish allowance, which collectively attribute to a potential yoke fitting failure. These design features ultimately cause higher stress concentrations leading to premature and fast-fracture overload of the flap actuator yoke at the junction of the fitting shaft and yoke clevis.

This condition, if not addressed, could result in failure of the flap yoke fitting during flap transition, which could cause the flaps to stop moving. This, combined with additional failures in the flap actuator force limiter or flap yoke actuator disconnect, could result in asymmetric flap positions, leading to a loss of airplane control.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Gulfstream GVII–G500 Aircraft Service Change No. 032, Initial Issue, dated November 20, 2020 (Gulfstream ASC No. 032). This service information specifies procedures for replacing the flap inboard and outboard yoke fitting assemblies and upper bushings. 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**.

Other Related Service Information

The FAA also reviewed Gulfstream GVII–500 Customer Bulletin No. 045, Initial Issue, dated November 20, 2020. This service information specifies the compliance time and additional information for Gulfstream ASC No. 032. The FAA also reviewed Gulfstream Aerospace GVII–G500 Aircraft Maintenance Manual (AMM) Document Number GAC–AC–GVII–G500–AMM–0001, Revision 7, dated December 15, 2020. This document contains revised airworthiness limitations, maintenance checks, and inspections.

Proposed AD Requirements in This NPRM

This proposed AD would require replacing the flap inboard and outboard yoke fitting assemblies and updating chapter 5 of your existing AMM to incorporate a 20,000 flight cycle life limit.

Differences Between This Proposed AD and the Service Information

Gulfstream ASC No. 032 contains actions labeled ''Required for Compliance'' (RC), and the language in the ASC and in paragraph (h)(3) of this AD indicates that operators must comply with all actions labeled RC for compliance with this AD. However, this AD does not require all of the steps in Gulfstream ASC No. 032 that are labeled as RC. Operators only need to comply with the RC steps specified in paragraph (g) of this AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 85 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the flap inboard and outboard yoke fitting assemblies and update the existing AMM.	83.5 work-hours × $85 per hour = $7,097.50	$8,015.00	$15,112.50	$1,284,562.50

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket No. FAA–2021–0156; Project Identifier AD–2020–01594–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GVII–G500 airplanes, serial numbers 72001 through 72085, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5753, Trailing Edge Flaps.

(e) Unsafe Condition

This AD results from flap yoke fittings with design features that cause decreased fatigue life. The FAA is issuing this AD to prevent failure of the flap yoke fitting. The unsafe condition, if not addressed, could result in failure of the flap yoke fitting during flap transition, which could cause the flaps to stop moving. This, combined with additional failures in the flap actuator force limiter or flap yoke actuator disconnect, could result in asymmetric flap positions leading to a loss of airplane control.

(f) Compliance

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

(g) Required Actions

(1) Within 24 months after the effective date of this AD or within 500 flight cycles after the effective date of this AD, whichever occurs first, replace each flap yoke fitting assembly by following Sections III.A.2 through III.D of the Modification Instructions in Gulfstream GVII–G500 Aircraft Service Change No. 032, Initial Issue, dated November 20, 2020 (Gulfstream ASC No. 032).

(2) Within 24 months after the effective date of this AD, revise the existing Airworthiness Limitations section of the Instructions for Continued Airworthiness or aircraft inspection program for your airplane by establishing a life limit of 20,000 flight cycles for each flap yoke fitting part number 72P5755095A001, 72P5755096A001, 72P5755097A001, and 72P5755098A001.

Note 1 to paragraph (g)(2): Section 05–10–10 of Gulfstream Aerospace GVII–G500 Aircraft Maintenance Manual (AMM) Document Number GAC–AC–GVII–G500–AMM–0001, Revision 7, dated December 15, 2020, contains the life limit in paragraph (g)(2) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

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

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

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining

approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(i) Related Information

(1) For more information about this AD, contact Jeff Johnson, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Ave., College Park, GA 30337; phone: (404) 474–5554; fax: (404) 474–5606; email: *jeffrey.d.johnson@faa.gov.*

(2) For service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on April 28, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–09243 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0343; Project Identifier MCAI–2021–00013–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report that during an inspection of the flight deck escape hatches it was found that they were difficult to open from the inside, and several hatches were found impossible to open from the outside. Subsequent investigation revealed corrosion on the flight deck escape hatch mechanism due to condensation penetrating inside the mechanism. This proposed AD would require replacing all affected flight deck escape hatches with serviceable hatches, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 21, 2021.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact 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–2021–0343.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0343; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0343; Project Identifier MCAI–2021–00013–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0004, dated January 6, 2021 (EASA AD 2021–0004) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

This proposed AD was prompted by a report that during an inspection of the flight deck escape hatches it was found

that they were difficult to open from the inside, and several hatches were found impossible to open from the outside. Subsequent investigation revealed corrosion on the flight deck escape hatch mechanism due to condensation penetrating inside the mechanism. It has been determined that the flight deck escape hatch will always remain accessible from the inside but might not be operable from the outside. The FAA is proposing this AD to address possible inaccessibility of the flight deck escape hatch, which could impede flightcrew evacuation during an emergency. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0004 describes procedures for replacing all affected flight deck escape hatches with serviceable flight deck escape hatches.

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0004 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2021–0004 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0004 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2021–0004 that is required for compliance with EASA AD 2021–0004 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0343 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$55,390	$55,730	$835,950

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0343; Project Identifier MCAI–2021–00013–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report that during an inspection of the flight deck escape hatches it was found that they were difficult to open from the inside, and several hatches were found impossible to open from the outside. Subsequent investigation revealed corrosion on the flight deck escape hatch mechanism due to condensation penetrating inside the mechanism. The FAA is issuing this AD to address possible inaccessibility of the flight deck escape hatch, which could impede flightcrew evacuation during an emergency.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0004, dated January 6, 2021 (EASA AD 2021–0004).

(h) Exceptions to EASA AD 2021–0004

(1) Where EASA AD 2021–0004 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2021–0004 does not apply to this AD.

(i) 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 responsible Flight Standards 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 (j)(2) 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 Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0144 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2021–0004, 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.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0343.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

Issued on April 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08929 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0332; Project Identifier AD–2020–01414–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes. This proposed AD was prompted by reports that shimming requirements were not met during the assembly of certain structural joints, which can result in reduced fatigue thresholds of the affected structural joints. This proposed AD would require repetitive inspections for cracking of certain areas of the front spar pickle fork and front spar outer chord and repair of any cracking found. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 21, 2021.

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

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

For service information identified in this NPRM, contact 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 referenced 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–2021–0332.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0332; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: 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:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0332; Project Identifier AD–2020–01414–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA has received reports that shimming requirements were not met during the assembly of certain areas of the front spar pickle fork and front spar outer chord structural joints, which can result in reduced fatigue thresholds of the affected structural joints. The existing inspection program does not adequately detect this fatigue cracking. The affected locations are common to the front spar pickle fork, between stringer S–22 and stringer S–25, and the front spar body chord, between stringer S–25 and buttock line (BL) 0′, on the left and right sides. Not meeting the shimming requirements during assembly of the station (STA) 873 front spar pickle fork and front spar body chord structure joints results in excessive pull-up forces, fastener shanking, excessive burr heights in metallic members, and metallic chips (foreign object debris) in fastened interfaces, which all degrade fatigue performance of any affected structural joints.

Undetected fatigue cracking could weaken primary structure so it cannot sustain limit load, which could result in reduced structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530075–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive high frequency eddy current (HFEC) inspections for cracking around all the fasteners common to the front spar pickle fork outer chord surface between stringer S–22 and stringer S–24 at STA 873 on the left and right sides, and along the entire forward edge of the front spar pickle fork outer chord covered by the body chord splice angle between stringer S–24 and stringer S–25 at STA 873 on the left and right sides, and repair of any cracking found. The service information also describes procedures for repetitive ultrasonic (UT) inspections for cracking of the front spar pickle fork outer chord along the upper, lower and aft edges of the end fittings at stringer S–23 at STA 873, on the left and right sides, and repair of any cracking found.

The FAA also reviewed Boeing Alert Requirements Bulletin B787–81205–SB530076–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive HFEC inspections for cracking along the entire forward edge of the front spar body chord in the area covered by the body chord splice angle at stringer S–25 on the left and right sides, and the splice fitting at BL 0′, STA 873, and repair of any cracking found. The service information also describes procedures for repetitive detailed inspections of the front spar body chord horizontal flange surface between stringer S–26 to stringer S–40 at STA 873 on the left and right sides and repair of any cracking found. The service information also describes procedures for repetitive UT inspections for cracking of the of the front spar body chord horizontal flange along the upper and lower edges of the end fittings at stringer S–27, at STA 873 on the left and right sides, and repair of any cracking found.

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

FAA's Determination

The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0332.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness

Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Costs of Compliance

The FAA estimates that this proposed AD affects 79 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections ...	14 work-hours × $85 per hour = $1,190 per inspection cycle.	$0	$1,190 per inspection cycle.	$94,010 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2021–0332; Project Identifier AD–2020–01414–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB530075–00 RB, Issue 001, dated September 8, 2020.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports that shimming requirements were not met during the assembly of certain areas of the front spar pickle fork and front spar outer chord structural joints, which can result in reduced fatigue thresholds of the affected structural joints. The FAA is issuing this AD to address undetected fatigue cracking, which could weaken primary structure so it cannot sustain limit load, and could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletins B787–81205–SB530075–00 and B787–81205–SB530076–00, both Issue 001, dated both September 8, 2020, which are referred to in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin B787–81205–SB530076–00 RB, Issue 001, dated September 8, 2020, uses the phrase ''the issue 001 date of the Requirements Bulletin B787–81205–SB530076–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, specify contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the

procedures specified in paragraph (i) of this AD.

(i) 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-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 responsible Flight Standards 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.

(j) Related Information

(1) 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.*

(2) 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.* You may view this referenced 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.

Issued on April 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–09299 Filed 5–6–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0347; Project Identifier AD–2020–01610–E]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all General Electric Company GE90–110B1 and GE90–115B model turbofan engines. This proposed AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. This proposed AD would require initial and repetitive replacement of the full authority digital engine control (FADEC) integrated circuit (MN4) microprocessor. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 21, 2021.

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

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

For service information identified in this NPRM, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0347; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Stephen Elwin, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7236; fax: (781) 238–7199; email: *stephen.l.elwin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0347; Project Identifier AD–2020–01610–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stephen Elwin, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington,

MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received a report from the manufacturer of an in-service loss of engine thrust control that occurred on October 27, 2019, resulting in uncommanded high thrust. Analysis by the manufacturer found accumulated thermal cycles of the MN4 integrated circuit in the FADEC, through normal operation, causes the solder ball joints to wear out and eventually fail over time. The FAA published AD 2020–20–17 (85 FR 63443, dated October 8, 2020) to prohibit dispatch of an airplane if certain status messages are displayed on the engine indicating and crew alerting system and if certain conditions are present per the manufacturer's service information. As a terminating action, AD 2020–20–17 also requires revision of the existing FAA-approved minimum equipment list (MEL) by incorporating into the MEL the dispatch restrictions listed in this AD. Since that AD, the manufacturer published GE GE90–100 Service Bulletin (S/B) 73–0118 R00, dated November 6, 2020, and Revision 01, dated April 27, 2021, to replace the FADEC MN4 microprocessor and solder. This condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE GE90–100 S/B 73–0118, Revision 01, dated April 27, 2021. This S/B specifies procedures for replacing the FADEC MN4 microprocessor. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would require initial and repetitive replacement of the FADEC MN4 microprocessor using an approved overhaul procedure.

Interim Action

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 311 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the FADEC MN4 microprocessor	1 work-hour × $85 per hour = $85	$25,200	$25,285	$7,863,635

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2021–0347; Project Identifier AD–2020–01610–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GE90–110B1 and GE90–115B model turbofan engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an in-service occurrence of loss of engine thrust control resulting in uncommanded high thrust. The FAA is issuing this AD to prevent failure of

the FADEC MN4 microprocessor solder ball. 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) Within the following compliance times after the effective date of this AD, replace the full authority digital engine control (FADEC) integrated circuit (MN4) microprocessor using an approved overhaul procedure:

(i) For a FADEC MN4 microprocessor with 10,500 or more cycles since new (CSN), replace the FADEC MN4 microprocessor before accumulating 500 additional cycles on the FADEC MN4 microprocessor.

(ii) For a FADEC MN4 microprocessor with 5,000 CSN or more, but fewer than 10,500 CSN, replace the FADEC MN4 microprocessor at the next FADEC component shop visit or before accumulating 11,000 CSN on the FADEC MN4 microprocessor, whichever occurs first.

(2) Thereafter, repeat the replacement of the FADEC MN4 microprocessor at the first FADEC component shop visit after accumulating 5,000 CSN since the last replacement but before accumulating 11,000 CSN since the last replacement.

(h) Installation Prohibition

After the effective date of this AD, do not install onto any engine any FADEC with a main channel board that was subject to more than three replacements of the FADEC MN4 microprocessor.

(i) Definition

(1) For the purpose of this AD, an ''approved overhaul procedure'' is one of the following:

(i) Replacement of the FADEC MN4 microprocessor using FADEC International-approved maintenance procedures; or

(ii) Replacement of the FADEC MN4 microprocessor using the Accomplishment Instructions, paragraph 3.A., of GE GE90–100 Service Bulletin 73–0118, Revision 01, dated April 27, 2021.

(2) For the purpose of this AD, a ''FADEC component shop visit'' is the induction of the FADEC into a repair facility to perform internal maintenance on the FADEC.

(j) 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.

(k) Related Information

(1) For more information about this AD, contact Stephen Elwin, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7236; fax: (781) 238–7199; email: *stephen.l.elwin@faa.gov.*

(2) For service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ae.ge.com;* website: *www.ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on April 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–09291 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0175; Project Identifier 2001–SW–33–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising a SNPRM for all Eurocopter France (now Airbus Helicopters) Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. The SNPRM retained the proposed requirements in the notice of proposed rulemaking (NPRM) and added recurring inspections and references to an engineering report that lists approved U.S. alternative fasteners and materials that may be used in any required repairs. The FAA is reopening the comment period because a significant amount of time has elapsed since the SNPRM was published. This proposed AD would require measuring the 9-degree frame flange (frame) for the correct edge distance of the four attachment holes for the stretcher support and inspecting for cracks, and repairing the frame, if necessary, as specified in two Direction Générale de l'Aviation Civile (DGAC) ADs, which are proposed for incorporation by reference (IBR). This action also revises the SNPRM by updating the type certificate holder's name and estimated cost information. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the SNPRM, the agency is requesting comments on this SNPRM.

DATES: The comment period for the SNPRM published in the **Federal Register** on March 11, 2004 (69 FR 11556), is reopened.

The FAA must receive comments on this SNPRM by June 21, 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 DGAC material that is proposed for IBR in this AD, contact the European Union Aviation Safety Agency (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 the DGAC material on the EASA website at *https://ad.easa.europa.eu.* For American Eurocopter material, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the DGAC and American Eurocopter material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. The DGAC material is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0175–AD.

Examining the AD Docket

You may examine the AD docket on the internet at *https://*

www.regulations.gov by searching for and locating Docket No. FAA–2021–0175; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone 562–627–5371; email *blaine.williams@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0175; Project Identifier 2001–SW–33–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone 562–627–5371; email *blaine.williams@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The DGAC, which was the Technical Agent for France, issued DGAC AD 2001–061–053(A), dated February 21, 2001 (DGAC AD 2001–061–053(A)) for certain Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters; and DGAC AD 2001–283–025(A), dated July 11, 2001 (DGAC AD 2001–283–025(A)) for all Model SA–366G1 helicopters (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for those helicopters.

The FAA issued a SNPRM to amend 14 CFR part 39 by adding an AD that would apply to all Eurocopter France Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. The FAA preceded the SNPRM with an NPRM that published in the **Federal Register** on December 18, 2002 (67 FR 77444). The NPRM proposed to require inspecting the frame for the correct edge distance of the four attachment holes of the stretcher support and for a crack, and repairing the frame, if necessary. The NPRM was prompted by a quality control check that revealed some stretcher attachment holes were improperly located on the frame where there was insufficient edge distance.

The first SNPRM published in the **Federal Register** on March 11, 2004 (69 FR 11556). The first SNPRM retained the proposed requirements of the NPRM and added recurring inspections and references to an engineering report that lists approved U.S. alternative fasteners and materials that may be used in any required repairs. Additionally, the first SNPRM stated that the FAA determined that it is unnecessary to require installation of a reinforcing angle and instead will require a 550-hour repetitive inspection for those helicopters that have an edge distance on the frame of less than 5 millimeters (mm), are not cracked, and have not been repaired.

Actions Since the SNPRM Was Issued

Since the FAA issued the first SNPRM, a significant amount of time elapsed requiring the FAA to reopen the comment period to allow the public a chance to comment on the proposed actions.

Additionally, since the FAA issued the first SNPRM, Eurocopter France has changed its name to Airbus Helicopters. The FAA has revised references to the manufacturer's name specified throughout this SNPRM to identify the manufacturer's name as published in the most recent type certificate data sheet for the affected models and updates the contact information to obtain service documentation. This SNPRM also updates the estimated cost information.

Furthermore, since the FAA issued the first SNPRM, EASA has become the Technical Agent for the Member States of the European Union, which includes France. EASA is now the State of Design Authority for the affected helicopter models.

The FAA's Aircraft Certification Service has also changed its organizational structure. The new structure replaces product directorates with functional divisions. The FAA revised some of the office titles and nomenclature throughout this proposed AD to reflect the new organizational changes. Additional information about the new structure can be found in the Notice published on July 25, 2017 (82 FR 34564).

Clarification of Requirement To Install a Reinforcing Angle

The preamble of the first SNPRM stated that it was unnecessary to require the installation of a reinforcing angle but that action was included as a requirement in the body of the first SNPRM. This second SNPRM retains that installation requirement, which corresponds with the requirements of the DGAC ADs and addresses the identified unsafe condition.

Docket Number Change

For transparency and as part of the FAA's on-going docket management consolidation efforts, the FAA is transferring the docket for this SNPRM to the Federal Docket Management System (FDMS). The new Docket Number (No.) is FAA–2021–0175. The old Docket No., which is 2001–SW–33–AD, became the Project Identifier.

Related Service Information Under 1 CFR Part 51

DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) describe procedures for measuring the edge

distance of the webs at the four attachment holes of the stretcher support on the left and right sides of the 9-degree frame, and additional actions depending on the findings. The additional actions include repetitively inspecting the frame for cracking, repair if necessary, and installation of a reinforcement plate (reinforcing angle) on the frame. These documents are distinct since they refer to different helicopter models.

American Eurocopter Engineering Report No. AEC/03R–E–005, ''Addendum ASB 53.00.42 and 53.00.43 AS365'', dated January 29, 2003, specifies U.S. and European rivet equivalent part numbers, U.S. rivet part numbers with acceptable substitute materials with greater strength properties, and 5 rivet, 6 rivet, and pin Hi-lok alternatives.

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.

Comments

The FAA gave the public the opportunity to participate in developing this proposed AD. The FAA received no comments on the first SNPRM or on the determination of the cost to the public.

FAA's Determination and Requirements of This SNPRM

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

Certain changes described above expand the scope of the SNPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A), described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As mentioned previously, when the SNPRM was published the DGAC was the Technical Agent for France. Since that time EASA has become the Technical Agent for the Member States of the European Union, which includes France. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) in their entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the DGAC ADs does not mean that operators need comply only with that section. Service information specified in DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) that is required for compliance with DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0175 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

The FAA has determined that acceptable U.S. alternatives to the fasteners and materials needed to perform repairs or modifications are listed in American Eurocopter Engineering Report No. AEC/03R–E–005 ''Addendum ASB 53.00.42 and 53.00.043 AS365'', dated January 29, 2003.

Where DGAC AD 2001–061–053(A) exempts helicopters that were delivered after January 31, 2001, from the applicability, this proposed AD does not exempt those helicopters.

Costs of Compliance

The FAA estimates that this proposed AD affects 31 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$100	$355	$11,005

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of helicopters that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
Up to 8 work-hours × $85 per hour = $680	$250	Up to $930

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters (Type Certificate Previously Held by Eurocopter France): Docket No. FAA–2021–0175; Project Identifier 2001–SW–33–AD.

(a) Comments Due Date

The FAA must receive comments by June 21, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Airbus Helicopters (type certificate previously held by Eurocopter France) Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5311, Fuselage Main, Frame.

(e) Reason

This AD was prompted by a quality control check that revealed some stretcher attachment holes were improperly located on the frame where there was insufficient edge distance. The FAA is issuing this AD to address failure of the 9-degree frame flange (frame) due to a crack at the stretcher support attachment holes, which could result in loss of a passenger door, damage to the rotor system, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with the applicable Direction Générale de l'Aviation Civile (DGAC) ADs specified in paragraphs (g)(1) and (2) of this AD.

(1) For Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters: DGAC AD 2001–061–053(A), dated February 21, 2001, (DGAC AD 2001–061–053(A)).

(2) For Model SA–366G1 helicopters: DGAC AD 2001–283–025(A), dated July 11, 2001 (DGAC AD 2001–283–025(A)).

(h) Exceptions to DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A)

(1) Where paragraph 3.1 of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies an initial compliance time to do the measurement, for this AD, do the measurement within 50 hours time-in-service (TIS) after the effective date of this AD.

(2) Where paragraph 3.1. of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies to do a measurement, for this AD, do an inspection of the area around the attachment holes for cracks concurrently with the measurement.

(3) Where paragraph 3.2.1.a) of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies ''every 550 flight hours, check that there is no crack in the flange,'' for this AD, inspect (check) the area around the attachment holes for cracks at intervals not to exceed 550 hours TIS.

(4) Where paragraph 3.2.1.b) of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) requires installation of a reinforcement plate (reinforcing angle) on the flange for certain helicopters, do the installation within 550 hours TIS after accomplishment of the measurement specified in paragraph 3.1. of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A).

(5) Where the service information referred to in DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies to perform a dye penetrant crack inspection ''if in doubt,'' this AD requires performing a dye penetrant inspection.

(6) Where paragraph 3.2.2. of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies to do various actions specified in paragraphs 3.2.2.(a), (b), and (c) of those ADs, for this AD, if any frame is cracked, before further flight, repair the frame. Acceptable U.S. alternatives to the fasteners and materials needed to perform repairs or modifications are listed in American Eurocopter Engineering Report No. AEC/03R–E–005, ''Addendum ASB 53.00.42 and 53.00.43 AS365'', dated January 29, 2003.

(7) Where the Note in paragraph 3.2.2. of DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A) specifies the instructions are no longer applicable after a customized repair has been carried out, for this AD, modifying or repairing the frame constitutes terminating action for the requirements of this AD.

(i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are prohibited.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For DGAC AD 2001–061–053(A) and DGAC AD 2001–283–025(A), contact the European Union Aviation Safety Agency (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 the DGAC material on the EASA website at *https://ad.easa.europa.eu.* For American Eurocopter material, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the DGAC and American Eurocopter material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. The DGAC material may also be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0175.

(2) For more information about this AD, contact Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone 562–627–5371; email *blaine.williams@faa.gov.*

Issued on April 22, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08897 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0865; Project Identifier 2010–SW–061–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) that applied to certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 206A, 206B, 206L, 206L–1, 206L–3, and 206L–4 helicopters. This action revises the NPRM by revising the format, rearranging certain paragraphs, converting a certain table to paragraph format, and removing certain language. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since the NPRM was issued, a significant amount of time has elapsed requiring the FAA to reopen the comment period to allow the public a chance to comment on the proposed actions.

DATES: The FAA must receive comments on this SNPRM by June 21, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; phone: 450–437–2862 or 800–363–8023; fax: (450) 433–0272; internet: *https://www.bellcustomer.com.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2010–0865; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, 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: Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: (206) 231–3218; email: *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2010–0865; Project Identifier 2010–SW–061–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may again revise this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: (206) 231–3218; email: *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 206A, 206B, 206L, 206L–1, 206L–3, and 206L–4 helicopters. The NPRM published in the **Federal Register** on August 30, 2010 (75 FR 52914). In the NPRM, the FAA proposed to require determining if an

affected part is installed (by doing a maintenance records check or inspection), and if an affected part is found, replacement with a non-affected part. The NPRM was prompted by a report that a certain disc assembly, sold as an alternate part, does not conform to the approved configuration.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, issued Canadian AD CF–2010–07, dated February 24, 2010 (Canadian AD CF–2010–07), to correct an unsafe condition for certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 206A, 206B, 206L, 206L–1, 206L–3, and 206L–4 helicopters. TCCA advises that a certain tail rotor disc assembly, sold through Bell Helicopter Spares beginning March 2009, as an alternate, does not conform to the approved configuration. TCCA stated operating a helicopter with the affected tail rotor disc assembly could result in loss of control of the helicopter.

Accordingly, the Canadian AD requires determining if an affected part is installed, and if an affected part is found, replacement with a non-affected part.

Actions Since the NPRM Was Issued

Since the NPRM was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD (in the SNPRM), as listed in the following table:

Requirement in the proposed AD (in the NPRM)	Corresponding requirement in this proposed AD (in the SNPRM)
paragraph (f)	paragraph (g).
paragraph (f)(1)	paragraph (g)(1).
paragraph (f)(2)	paragraph (g)(2).
paragraph (f)(3)	paragraph (g)(3).
paragraph (f)(4)	paragraph (g)(4).
paragraph (f)(5)	paragraph (h).

The FAA also has removed the table following paragraph (c) of the proposed AD (in the NPRM), which identified the model and serial numbers; instead, the model and serial numbers are included in paragraphs (c)(1) through (6) of this proposed AD (in the SNPRM).

In addition, the text ''no further action is required'' is removed from paragraph (g)(3) of this proposed AD (in the SNPRM) as the parts installation prohibition specified in paragraph (h) of this proposed AD (in the SNPRM) also applies to helicopters accomplishing the action in paragraph (g)(3) of this proposed AD (in the SNPRM).

These changes do not affect the intent of the actions in the proposed AD (in the NPRM). However, since a significant amount of time has elapsed since the NPRM, the FAA is reopening the comment period to allow the public a chance to comment on the proposed actions.

Comments

The FAA received no comments on the NPRM or on the determination of the cost.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with Canada, TCCA, its technical representative, has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other helicopters of the same type design. Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service information. This service information specifies procedures to determine if an affected part is installed, and if an affected part is found, replacement with a non-affected part. These documents are distinct since they apply to different helicopter models.

- Bell Helicopter Alert Service Bulletin 206–09–123, Revision A, dated June 10, 2009.
- Bell Helicopter Alert Service Bulletin 206L–09–157, Revision A, dated June 10, 2009.

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.

Proposed AD Requirements in This SNPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,493 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$303	$388	$579,284

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Docket No. FAA–2010–0865; Project Identifier 2010–SW–061–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by June 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) helicopters, certificated in any category:

(1) Model 206A, serial numbers 004 through 660 inclusive, and 672 through 715 inclusive;

(2) Model 206B, all serial numbers, including those converted from Model 206A;

(3) Model 206L, serial numbers 45004 through 45153 inclusive, and 46601 through 46617 inclusive;

(4) Model 206L–1, serial numbers 45154 through 45790 inclusive;

(5) Model 206L–3, serial numbers 51001 through 51612 inclusive; and

(6) Model 206L–4, all serial numbers.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 65, Tail Rotor Drive.

(e) Unsafe Condition

This AD was prompted by a report that a certain tail rotor disc assembly, sold as an alternate part, does not conform to the approved configuration. The FAA is issuing this AD to address helicopters operating with a certain tail rotor disc assembly, sold as an alternate part, that does not conform to the approved configuration, which could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Do the actions specified in paragraphs (g)(1) through (4) of this AD, in accordance with Bell Helicopter Alert Service Bulletin 206–09–123, Revision A, dated June 10, 2009; or Bell Helicopter Alert Service Bulletin 206L–09–157, Revision A, dated June 10, 2009, as applicable.

(1) Within 30 days or 100 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, review the helicopter maintenance records to determine if a disc assembly, part number (P/N) 101584–1 or –2, is installed.

(2) If, during the maintenance records review required by paragraph (g)(1) of this AD, you cannot positively determine that disc assembly P/N 101584–1 or –2 is not installed, within 30 days or 100 hours TIS after the effective date of this AD, whichever occurs first, inspect the tail rotor driveshaft system to determine if disc assembly P/N 101584–1 or –2 is installed.

(3) If, during the maintenance records review required by paragraph (g)(1) of the this AD or during the inspection required by paragraph (g)(2) of this AD, you can positively determine that a disc assembly P/N 101584–1 or –2 is not installed, before further flight, make an entry in the log book showing compliance with this AD.

(4) If, during the maintenance records review required by paragraph (g)(1) of this AD or during the inspection required by paragraph (g)(2) of this AD, you can positively determine that a disc assembly P/N 101584–1 or –2 is installed, within 30 days or 100 hours TIS after the effective date of this AD, whichever occurs first, replace disc assembly P/N 101584–1 or –2 with disc assembly P/N 32721–1.

(h) Parts Installation Prohibition

As of the effective date of this AD, do not install disc assembly P/N 101584–1 or –2.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. Send your proposal to: Manager, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-AVS-AIR-730-AMOC@faa.gov.* Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: (206) 231–3218; email: *kathleen.arrigotti@faa.gov.*

(2) For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; phone: 450–437–2862 or 800–363–8023; fax: (450) 433–0272; internet: *https://www.bellcustomer.com.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) Canadian AD CF–2010–07, dated February 24, 2010. You may view the TCCA AD on the internet at *https://www.regulations.gov* in the AD Docket.

Issued on April 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08922 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0295; Airspace Docket No. 21–ANE–2]

RIN 2120–AA66

Proposed Amendment and Establishment of Class E Airspace; Bar Harbor, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E surface area and Class E airspace extending upward from 700 feet above the surface at Hancock County-Bar Harbor Airport, Bar Harbor, ME. This action would also update the geographic coordinates of Hancock County-Bar Harbor Airport, Bar Harbor, ME. In addition, this action would also establish Class E airspace extending upward from 700 feet above the surface for Bar Harbor Heliport, Bar Harbor, ME.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before June 21, 2021.

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0295; Airspace Docket No. 21–ANE–2, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend and establish Class E airspace in Bar Harbor, ME, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2021–0295 and Airspace Docket No. 21–ANE–2) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0295; Airspace Docket No. 21–ANE–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E surface airspace for Hancock County-Bar Harbor Airport by increasing the radius from 4.2 miles to 5.5 miles, and eliminating the extensions off the 204° and 024° bearings respectively. The Class E airspace extending up from 700 feet above the surface for Hancock County-Bar Harbor would be amended by increasing the radius from 7.4 miles to 8.0 miles, and adding an extension 3.7 miles each side of the Hancock County-Bar Harbor Airport 025° bearing extending from the 8.0-mile radius to 11.4 miles northeast of the airport. In addition the geographical coordinates of Hancock County-Bar Harbor Airport would be updated. This action would also establish Class E airspace extending upward from 700 feet above the surface for Bar Harbor Heliport.

Class E airspace designations are published in Paragraphs 6002 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies

and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'', prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6002 Class E Surface Airspace.

* * * * *

ANE ME E2 Bar Harbor, ME [Amend]

Hancock County-Bar Harbor Airport, ME
(Lat. 44°26′59″ N, long. 68°21′41″ W)

That airspace extending upward from the surface within a 5.5-mile radius of Hancock County-Bar Harbor Airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANE ME E5 Bar Harbor, ME [Amend]

Hancock County-Bar Harbor Airport, ME
(Lat. 44°26′59″ N, long. 68°21′41″ W)
Bar Harbor Heliport
(Lat. 44°22′54″ N, long. 68°12′14″ W)

That airspace extending upward from 700 feet above the surface within an 8.0-mile radius of Hancock County-Bar Harbor Airport and 3.7 miles each side of the 025° bearing extending from the 8.0-mile radius to 11.4 miles northeast from the airport, and that airspace within a 6.0-mile radius of the Bar Harbor Heliport.

Issued in College Park, Georgia, on April 28, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–09226 Filed 5–6–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2017–F–0969]

Canadian Oilseed Processors Association; Withdrawal of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; withdrawal of petition.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 2299) proposing that the food additive regulations be amended to provide for the safe use of spent bleaching clay as a flow agent in canola meal for all livestock and poultry species. Additionally, the petition proposed that the regulations be amended to provide for the safe use of silicon dioxide and diatomaceous earth as components of spent bleaching clay.

DATES: The food additive petition was withdrawn on January 12, 2021.

ADDRESSES: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Chelsea Cerrito, Center for Veterinary Medicine, HFV–221, Food and Drug Administration, 7519 Standish Pl., Rm. 2684, Rockville, MD 20855, 240–402–6729, *Chelsea.Cerrito@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on April 18, 2017 (82 FR 18268), FDA announced that we had filed a food additive petition (FAP 2299), submitted by Canadian Oilseed Processors Association, 404–167 Lombard Ave., Winnipeg MB R3B 0T6, Canada. The petition proposed to amend part 573 of title 21 of the Code of Federal Regulations (CFR), *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573), to provide for the safe use of spent bleaching clay as a flow agent in canola meal for all livestock and poultry species. Additionally, the submission proposed that the existing regulations be amended to provide for the safe use of silicon dioxide (21 CFR 573.940) and diatomaceous earth (21 CFR 573.340) for use as components of spent beaching clay. The Canadian Oilseed Processors Association has now withdrawn the petition without prejudice to a future filing (21 CFR 571.7).

Dated: April 30, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–09715 Filed 5–6–21; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0575; FRL–10022–51-Region 3]

Air Plan Approval; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources Under the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve multiple state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for ten major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's conditionally approved RACT regulations. In this rulemaking action, EPA is proposing to approve source-specific (also referred to as ''case-by-case'') RACT determinations for ten

major sources located in Allegheny County. These RACT evaluations were submitted to meet RACT requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0575 at *https://www.regulations.gov,* or via email to *opila.marycate@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Stahl, Air Quality Analysis Branch (3AD30), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2180. Ms. Stahl can also be reached via electronic mail at *stahl.cynthia@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 7, 2020, PADEP submitted revisions to its SIP to address case-by-case NO_X and/or VOC RACT for 93 major facilities. On February 9, 2021, PADEP supplemented its May 7, 2020 submittal with additional materials for nine facilities in Allegheny County. These SIP revisions are intended to address the NO_X and/or VOC RACT requirements under sections 182 and 184 of the CAA for the 1997 and/or 2008 8-hour ozone NAAQS. Table 1 of this document lists the facilities included in PADEP's submittals that EPA is proposing to approve in this action. EPA views each facility as a separable SIP revision and may take separate final action on one or more facilities. In this rulemaking action, EPA is only proposing to approve case-by-case RACT determinations for ten of the 93 facilities submitted to EPA by PADEP. These ten facilities are located in Allegheny County and were submitted on behalf of the Allegheny County Health Department (ACHD).

For additional background information on Pennsylvania's ''presumptive'' RACT II SIP see 84 FR 20274 (May 9, 2019) and on Pennsylvania's source-specific or ''case-by-case'' RACT determinations see the appropriate technical support document (TSD) which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2020–0575.

TABLE 1—PADEP SIP SUBMITTALS FOR MAJOR NO_X AND/OR VOC SOURCES IN ALLEGHENY COUNTY, PENNSYLVANIA SUBJECT TO SOURCE-SPECIFIC RACT UNDER THE 2008 8-HOUR OZONE STANDARD

Major source
Bellefield boiler
Eastman Chemical Resins, Inc.
Energy Center Northshore (formerly, Pittsburgh Thermal Limited Partnership)
Neville Chemical
Pittsburgh Allegheny County Thermal Ltd.—Stanwix Street (PACT)
PPG Industries Inc.—Springdale
Universal Stainless & Alloy Products, Inc.
U.S. Steel Mon Valley Works—Clairton (formerly, USX Corporation Clairton Works)
U.S. Steel Mon Valley Works—Edgar Thomson (formerly, USX Corporation Edgar Thomson Works)
U.S. Steel Mon Valley Works—Irvin (formerly, USX Corporation Irvin Works)

I. Background

A. 1997 and 2008 8-Hour Ozone NAAQS

Ground level ozone is not emitted directly into the air but is created by chemical reaction between NO_X and VOC in the presence of sunlight. Emissions from industrial facilities, electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of NO_X and VOC. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.

On July 18, 1997, EPA promulgated a standard for ground level ozone based on 8-hour average concentrations. 62 FR 38856. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm. EPA has designated two moderate nonattainment areas in Pennsylvania under the 1997 8-hour ozone NAAQS, namely Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE (the Philadelphia Area) and Pittsburgh-Beaver Valley (the Pittsburgh Area). See 40 CFR 81.339.

On March 12, 2008, EPA strengthened the 8-hour ozone standards, by revising its level to 0.075 ppm averaged over an 8-hour period (2008 8-hour ozone NAAQS). On May 21, 2012, EPA designated five marginal nonattainment areas in Pennsylvania for the 2008 8-hour ozone NAAQS: Allentown-Bethlehem-Easton, Lancaster, Reading, the Philadelphia Area, and the Pittsburgh Area. 77 FR 30088; see also 40 CFR 81.339.

On March 6, 2015, EPA announced its revocation of the 1997 8-hour ozone NAAQS for all purposes and for all areas in the country, effective on April 6, 2015. 80 FR 12264. EPA has determined that certain nonattainment planning requirements continue to be in effect under the revoked standard for nonattainment areas under the 1997 8-hour ozone NAAQS, including RACT.

On June 10, 2013, EPA determined that the Allegheny County 1997 8-hour ozone NAAQS RACT demonstration

satisfied all applicable RACT requirements under the CAA for Allegheny County for the 1997 8-hour ozone NAAQS. 78 FR 34584.

B. RACT Requirements for Ozone

The CAA regulates emissions of NO_X and VOC to prevent photochemical reactions that result in ozone formation. RACT is an important strategy for reducing NO_X and VOC emissions from major stationary sources within areas not meeting the ozone NAAQS. Areas designated nonattainment for the ozone NAAQS are subject to the general nonattainment planning requirements of CAA section 172. Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM) for demonstrating attainment of all NAAQS, including emissions reductions from existing sources through the adoption of RACT. Further, section 182(b)(2) of the CAA sets forth additional RACT requirements for ozone nonattainment areas classified as moderate or higher. Section 182(b)(2) of the CAA sets forth requirements regarding RACT for the ozone NAAQS for VOC sources. Section 182(f) subjects major stationary sources of NO_X to the same RACT requirements applicable to major stationary sources of VOC.[1]

Section 184(b)(1)(B) of the CAA applies the RACT requirements in section 182(b)(2) to nonattainment areas classified as marginal and to attainment areas located within ozone transport regions established pursuant to section 184 of the CAA. Section 184(a) of the CAA established by law the current Ozone Transport Region (OTR) comprised of 12 eastern states, including Pennsylvania. This requirement is referred to as OTR RACT. As noted previously, a ''major source'' is defined based on the source's PTE of NO_X, VOC, or both pollutants, and the applicable thresholds differ based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

Since the 1970's, EPA has consistently defined ''RACT'' as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility.[2]

EPA has provided more substantive RACT requirements through implementation rules for each ozone NAAQS as well as through guidance. In 2004 and 2005, EPA promulgated an implementation rule for the 1997 8-hour ozone NAAQS in two phases (''Phase 1 of the 1997 Ozone Implementation Rule'' and ''Phase 2 of the 1997 Ozone Implementation Rule''). 69 FR 23951 (April 30, 2004) and 70 FR 71612 (November 29, 2005), respectively. Particularly, the Phase 2 Ozone Implementation Rule addressed RACT statutory requirements under the 1997 8-hour ozone NAAQS. See 70 FR 71652 (November 29, 2005).

On March 6, 2015, EPA issued its final rule for implementing the 2008 8-hour ozone NAAQS (''the 2008 Ozone SIP Requirements Rule''). 80 FR 12264. At the same time, EPA revoked the 1997 8-hour ozone NAAQS, effective on April 6, 2015.[3] The 2008 Ozone SIP Requirements Rule provided comprehensive requirements to transition from the revoked 1997 8-hour ozone NAAQS to the 2008 8-hour ozone NAAQS, as codified in 40 CFR part 51, subpart AA, following revocation. Consistent with previous policy, EPA determined that areas designated nonattainment for both the 1997 and 2008 8-hour ozone NAAQS at the time of revocation, must retain implementation of certain nonattainment area requirements (*i.e.,* anti-backsliding requirements) for the 1997 8-hour ozone NAAQS as specified under section 182 of the CAA, including RACT. See 40 CFR 51.1100(o). An area remains subject to the anti-backsliding requirements for a revoked NAAQS until EPA approves a redesignation to attainment for the area for the 2008 8-hour ozone NAAQS. There are no effects on applicable requirements for areas within the OTR, as a result of the revocation of the 1997 8-hour ozone NAAQS. Thus, Pennsylvania, as a state within the OTR, remains subject to RACT requirements for both the 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS.

In addressing RACT, the 2008 Ozone SIP Requirements Rule is consistent with existing policy and Phase 2 of the 1997 Ozone Implementation Rule. In the 2008 Ozone SIP Requirements Rule, EPA requires RACT measures to be implemented by January 1, 2017 for areas classified as moderate nonattainment or above and all areas of the OTR. EPA also provided in the 2008 Ozone SIP Requirements Rule that RACT SIPs must contain adopted RACT regulations, certifications where appropriate that existing provisions are RACT, and/or negative declarations stating that there are no sources in the nonattainment area covered by a specific control technique guidelines (CTG) source category. In the preamble to the 2008 Ozone SIP Requirements Rule, EPA clarified that states must provide notice and opportunity for public comment on their RACT SIP submissions, even when submitting a certification that the existing provisions remain RACT or a negative declaration. States must submit appropriate supporting information for their RACT submissions, in accordance with the Phase 2 of the 1997 Ozone Implementation Rule. Adequate documentation must support that states have considered control technology that is economically and technologically feasible in determining RACT, based on information that is current as of the time of development of the RACT SIP.

In addition, in the 2008 Ozone SIP Requirements Rule, EPA clarified that states can use weighted average NO_X emissions rates from sources in the nonattainment area for meeting the major NO_X RACT requirement under the CAA, as consistent with existing policy.[4] EPA also recognized that states may conclude in some cases that sources already addressed by RACT determinations for the 1979 1-hour and/or 1997 8-hour ozone NAAQS may not need to implement additional controls to meet the 2008 8-hour ozone NAAQS RACT requirement. See 80 FR 12278–12279 (March 6, 2015).

[1] A ''major source'' is defined based on the source's potential to emit (PTE) of NO_X or VOC, and the applicable thresholds for RACT differs based on the classification of the nonattainment area in which the source is located. See sections 182(c)–(f) and 302 of the CAA.

[2] See December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' and also 44 FR 53762 (September 17, 1979).

[3] On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. Court) issued an opinion on the 2008 Ozone SIP Requirements Rule. *South Coast Air Quality Mgmt. Dist.* v. *EPA*, No. 15–1115 (D.C. Cir. February 16, 2018). The D.C. Cir. Court found certain parts reasonable and denied the petition for appeal on those. In particular, the D.C. Cir. Court upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. However, the Court also found certain other provisions unreasonable. The D.C. Cir. Court vacated the provisions it found unreasonable.

[4] EPA's NO_X RACT guidance ''Nitrogen Oxides Supplement to the General Preamble'' (57 FR 55620; November 25, 1992) encouraged states to develop RACT programs that are based on ''area wide average emission rates.'' Additional guidance on area-wide RACT provisions is provided by EPA's January 2001 economic incentive program guidance titled ''Improving Air Quality with Economic Incentive Programs,'' available at *https://www.epa.gov/ttn/oarpg/t1/memoranda/eipfin.pdf.* In addition, as mentioned previously, the D.C. Cir. Court recently upheld the use of NO_X averaging to meet RACT requirements for 2008 8-hour ozone NAAQS. *South Coast Air Quality Mgmt. Dist.* v. *EPA*, No. 15–1115 (D.C. Cir. February 16, 2018).

C. Applicability of RACT Requirements in Pennsylvania

As indicated earlier, RACT requirements apply to any ozone nonattainment areas classified as moderate or higher (serious, severe or extreme) under CAA sections 182(b)(2) and (f). Pennsylvania has outstanding ozone RACT requirements for both the 1997 and 2008 8-hour ozone NAAQS. The entire Commonwealth of Pennsylvania is part of the OTR established under section 184 of the CAA and thus is subject statewide to the RACT requirements of CAA sections 182(b)(2) and (f), pursuant to section 184(b).

At the time of revocation of the 1997 8-hour ozone NAAQS (80 FR 12264, March 6, 2015, effective April 6, 2015), only two moderate nonattainment areas remained in the Commonwealth of Pennsylvania for this standard, the Philadelphia and the Pittsburgh Areas. As required under EPA's anti-backsliding provisions, these two moderate nonattainment areas continue to be subject to RACT under the 1997 8-hour ozone NAAQS. Given its location in the OTR, the remainder of the Commonwealth is also treated as moderate nonattainment area under the 1997 8-hour ozone NAAQS for any planning requirements under the revoked standard, including RACT. The OTR RACT requirement is also in effect under the 2008 8-hour ozone NAAQS throughout the Commonwealth, since EPA did not designate any nonattainment areas above marginal for this standard in Pennsylvania. Thus, in practice, the same RACT requirements continue to be applicable in Pennsylvania for both the 1997 and 2008 8-hour ozone NAAQS. RACT must be evaluated and satisfied as separate requirements under each applicable standard.

RACT applies to major sources of NO_X and VOC under each ozone NAAQS or any VOC sources subject to CTG RACT. Which NO_X and VOC sources in Pennsylvania are considered ''major'' and are therefore subject to RACT is dependent on the location of each source within the Commonwealth. Sources located in nonattainment areas would be subject to the ''major source'' definitions established under the CAA. In the case of Pennsylvania, sources located in any areas outside of moderate or above nonattainment areas, as part of the OTR, shall be treated as if these areas were moderate.

In Pennsylvania, the SIP program is implemented primarily by the PADEP, but also by local air agencies in Philadelphia County (the City of Philadelphia's Air Management Services [AMS]) and Allegheny County, (the Allegheny County Health Department [ACHD]). These agencies have implemented numerous RACT regulations and source-specific measures in Pennsylvania to meet the applicable ozone RACT requirements. Historically, statewide RACT controls have been promulgated by PADEP in Pennsylvania Code Title 25—Environmental Resources, Part I—Department of Environmental Protection, Subpart C—Protection of Natural Resources, Article III—Air Resources, (25 Pa. Code) Chapter 129. AMS and ACHD have incorporated by reference Pennsylvania regulations, but have also promulgated regulations adopting RACT controls for their own jurisdictions. In addition, AMS and ACHD have submitted separate source-specific RACT determinations as SIP revisions for sources within their respective jurisdictions, which have been approved by EPA. See 40 CFR 52.2020(d)(1).

States were required to make RACT SIP submissions for the 1997 8-hour ozone NAAQS by September 15, 2006. PADEP submitted a SIP revision on September 25, 2006, certifying that a number of previously approved VOC RACT rules continued to satisfy RACT under the 1997 8-hour ozone NAAQS for the remainder of Pennsylvania.[5] PADEP has met its obligations under the 1997 8-hour ozone NAAQS for its CTG and non-CTG VOC sources. See 82 FR 31464 (July 7, 2017). RACT control measures addressing all applicable CAA RACT requirements under the 1997 8-hour ozone NAAQS have been implemented and fully approved in the jurisdictions of ACHD and AMS. See 78 FR 34584 (June 10, 2013) and 81 FR 69687 (October 7, 2016). For the 2008 8-hour ozone NAAQS, states were required to submit RACT SIP revisions by July 20, 2014. On May 16, 2016, PADEP submitted a SIP revision addressing RACT under both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. Specifically, the May 16, 2016 SIP submittal intended to satisfy sections 182(b)(2)(C), 182(f), and 184 of the CAA for both the 1997 and 2008 8-hour ozone NAAQS for Pennsylvania's major NO_X and VOC non-CTG sources, except ethylene production plants, surface active agents manufacturing, and mobile equipment repair and refinishing.[6]

D. EPA's Conditional Approval for Pennsylvania's RACT Requirements Under the 1997 and 2008 8-Hour Ozone NAAQS

On May 16, 2016, PADEP submitted a SIP revision addressing RACT under both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. PADEP's May 16, 2016 SIP revision intended to address certain outstanding non-CTG VOC RACT, VOC CTG RACT, and major NO_X RACT requirements under the CAA for both standards. The SIP revision requested approval of Pennsylvania's 25 Pa. Code 129.96–100, *Additional RACT Requirements for Major Sources of NO_X and VOCs* (the ''presumptive'' RACT II rule). Prior to the adoption of the RACT II rule, Pennsylvania relied on the NO_X and VOC control measures in 25 Pa. Code 129.92–95, *Stationary Sources of NO_X and VOCs,* (the RACT I rule) to meet RACT for non-CTG major VOC sources and major NO_X sources. The requirements of the RACT I rule remain in effect and continue to be implemented as RACT.[7] On September 26, 2017, PADEP submitted a supplemental SIP revision which committed to address various deficiencies identified by EPA in their May 16, 2016 ''presumptive'' RACT II rule SIP revision.

On May 9, 2019, EPA conditionally approved the RACT II rule based on PADEP's September 26, 2017 commitment letter.[8] See 84 FR 20274. In EPA's final conditional approval, EPA noted that PADEP would be required to submit, for EPA's approval, SIP revisions to address any facility-wide or system-wide averaging plan approved under 25 Pa. Code 129.98 and any case-by-case RACT determinations under 25 Pa. Code 129.99. PADEP committed to submitting these additional SIP revisions within 12 months of EPA's final conditional approval, specifically May 9, 2020.

Therefore, as authorized in CAA section 110(k)(3) and (4), Pennsylvania was required to submit the following as case-by-case SIP revisions, by May 9, 2020, for EPA's approval as a condition of approval of 25 Pa. Code 128 and 129 in the May 16, 2016 SIP revision: (1) All

[5] The September 15, 2006 SIP submittal initially included Pennsylvania's certification of NO_X RACT regulations; however, NO_X RACT portions were withdrawn by PADEP on June 27, 2016.

[6] EPA's conditional approval of PADEP's May 16, 2016 SIP revision will cover relevant sources located in both Philadelphia and Allegheny County, Pennsylvania.

[7] These requirements were initially approved as RACT for Pennsylvania under the 1979 1-hour ozone NAAQS.

[8] On August 27, 2020, the Third Circuit Court of Appeals vacated three provisions of Pennsylvania's presumptive RACT II rule applicable to certain coal-fired power plants. *Sierra Club* v. *EPA,* No. 19–2562 (3rd Cir. August 27, 2010). None of the sources in this proposed rule are subject to the presumptive RACT II provisions at issue in the *Sierra Club* decision.

facility-wide or system-wide averaging plans approved by PADEP under 25 Pa. Code 129.98 including, but not limited to, any terms and conditions that ensure the enforceability of the averaging plan as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements); and (2) all source-specific RACT determinations approved by PADEP under 25 Pa. Code 129.99, including any alternative compliance schedules approved under 25 Pa. Code 129.97(k) and 129.99(i); the case-by-case RACT determinations submitted to EPA for approval into the SIP should include any terms and conditions that ensure the enforceability of the case-by-case or source-specific RACT emission limitation as a practical matter (*i.e.,* any monitoring, reporting, recordkeeping, or testing requirements). See 84 FR 20274 (May 9, 2019). Through multiple submissions between 2017 and 2020, PADEP has submitted to EPA for approval various SIP submissions to implement its RACT II case-by-case determinations and averaging plans. This proposed rule is based on EPA's review of some of these SIP revisions.

II. Summary of SIP Revisions

In order to satisfy a requirement from EPA's May 9, 2019 conditional approval, PADEP has submitted to EPA SIP revisions addressing case-by-case RACT requirements for major sources in Pennsylvania subject to 25 Pa. Code 129.99. Among the submitted SIP revisions were case-by-case RACT determinations for sources in Allegheny County, which PADEP submitted on behalf of ACHD. As noted in Table 1, PADEP's May 9, 2020 submission to EPA included SIP revisions pertaining to ACHD's case-by-case NO_X and/or VOC RACT determinations for sources at the ten facilities located in Allegheny County that are the subject of this rulemaking. PADEP, on behalf of ACHD, provided documentation in its SIP revisions to support the case-by-case RACT determinations for affected emission units at each source subject to 25 Pa. Code 129.99.

In the Pennsylvania RACT SIP revisions, ACHD included a case-by-case RACT determination for the existing emissions units at each of these facilities that required a source specific NO_X and/or VOC RACT determination. In ACHD's RACT determinations an evaluation was completed to determine if previously SIP-approved, case-by-case RACT requirements (herein referred to as RACT I) were more stringent and required to be retained in the sources Title V air quality permit and subsequently, the Federally-approved SIP, or if the new case-by-case RACT requirements are more stringent and replace the previous Federally-approved provisions.

EPA, in this action, is taking action on sources of NO_X and/or VOC at ten facilities in Allegheny County, Pennsylvania, subject to Pennsylvania's case-by-case RACT requirements, as summarized in Table 2.

TABLE 2—TEN MAJOR NO_X AND/OR VOC SOURCES IN ALLEGHENY COUNTY, PENNSYLVANIA SUBJECT TO CASE-BY-CASE RACT II UNDER THE 2008 8-HOUR OZONE NAAQS

Major source (Allegheny County)	1997 8-hour ozone RACT source? (RACT I)	Major source pollutant (NO_X and/or VOC)	RACT II permit (effective date)
Bellefield Boiler	Yes	NO_X	0047–I003a (11/30/20).
Eastman Chemical Resins, Inc	Yes	VOC	0058–I026a (9/30/20).
Energy Center Northshore	Yes	NO_X	0022–I003a (11/30/20).
Neville Chemical	Yes	VOC	0060d (11/10/20).
Pittsburgh Allegheny County Thermal Ltd.—Stanwix Street (PACT).	Yes	NO_X	0044–I001a (11/30/20).
PPG Industries Inc.—Springdale	Yes	VOC	0057–OP18a (2/28/20).
Universal Stainless & Alloy Products, Inc	Yes	NO_X	0027a (2/20/20).
U.S. Steel Mon Valley Works—Clairton	Yes	VOC and NO_X	0052–I020a (12/7/20).
U.S. Steel Mon Valley Works—Edgar Thomson	Yes	VOC and NO_X	0051–I008a (12/7/20).
U.S. Steel Mon Valley Works—Irvin	Yes	VOC and NO_X	0050–OP16c (12/7/20).

The case-by-case RACT determinations submitted by PADEP, on behalf of ACHD, consist of an evaluation of all reasonably available controls at the time of evaluation for each affected emissions unit, resulting in an ACHD determination of what specific control requirements, if any, satisfy RACT for that particular unit. The adoption of new or additional controls or the revisions to existing controls as RACT were specified as requirements in new or revised Federally enforceable permits (hereafter RACT II permits) issued by ACHD to the source. The RACT II permits, which revise or adopt additional source-specific requirements, have been submitted as part of the Pennsylvania RACT SIP revisions for EPA's approval in the Pennsylvania SIP under 40 CFR 52.2020(d)(1). The RACT II permits submitted by PADEP, on behalf of ACHD, are listed in the last column of Table 2 of this document, along with the permit effective date, and are part of the docket for this rulemaking, which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2020–0575.[9] EPA is proposing to incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source-specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of NO_X and VOC emissions in Allegheny County.

III. EPA's Evaluation of SIP Revisions

After thorough review and evaluation of the information provided by PADEP, on behalf of ACHD, in its SIP revision submittals for 10 major sources of NO_X and/or VOC in Allegheny County, EPA finds that ACHD's case-by-case RACT determinations and conclusions provided are reasonable and appropriately considered technically and economically feasible controls, while setting lowest achievable limits. EPA finds that the proposed source-specific RACT controls for the sources subject to this rulemaking action adequately meet the CAA RACT requirements for the 2008 8-hour ozone NAAQS for the major sources of NO_X and/or VOC in Pennsylvania, as they are not covered by or cannot meet Pennsylvania's presumptive RACT regulation.

EPA also finds that all the proposed revisions to previously SIP approved RACT requirements, under the 1997 8-hour ozone standard (RACT I), as discussed in ACHD's SIP revisions, will

[9] The RACT II permits are redacted versions of a facility's Federally enforceable permits and reflect the specific RACT requirements being approved into the Pennsylvania SIP.

result in equivalent or additional reductions of NO_X and/or VOC emissions and should not interfere with any applicable requirement concerning attainment or reasonable further progress with the NAAQS or interfere with other applicable CAA requirement in section 110(l) of the CAA.

EPA's complete analysis of ACHD's case-by-case RACT SIP revisions is included in the TSD available in the docket for this rulemaking action and available online at *https://www.regulations.gov,* Docket number EPA–R03–OAR–2020–0575.

IV. Proposed Action

Based on EPA's review, EPA is proposing to approve the Pennsylvania SIP revisions for the ten case-by-case RACT facilities listed in Table 2 of this document and incorporate by reference in the Pennsylvania SIP, via the RACT II permits, source specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of NO_X and VOC emissions. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. As EPA views each facility as a separable SIP revision, should EPA receive comment on one facility but not others, EPA may take separate, final action on the remaining facilities.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference source specific RACT determinations via the RACT II permits as described in Sections II and III—Summary of SIP Revisions and EPA's Evaluation of SIP Revisions in this document. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking, addressing the case-by-case NO_X and VOC RACT requirements for sources at ten facilities for the 2008 8-hour ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: April 23, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–09099 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0031; FRL–10023–37–Region 5]

Air Plan Approval; Illinois; 2008 Ozone Moderate VOC RACT for Chicago

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve volatile organic compound (VOC) reasonably available control technology (RACT) State Implementation Plan (SIP) revisions for the Illinois portion of the Chicago-Naperville, IL-IN-WI nonattainment area (Illinois portion) under the 2008 8-hour ozone National Ambient Air Quality Standard (''NAAQS'' or ''standard'') submitted by the Illinois Environmental Protection Agency (''Illinois'' or ''Illinois EPA'') on January 10, 2019 and supplemented on April 30, 2020. EPA is also proposing to approve the Stepan Co. construction permit submitted by Illinois on March 29, 2021 as a revision to the Illinois SIP. The Illinois portion consists of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and portions of Grundy (Aux Sable and Goose Lake Townships) and Kendall (Oswego Township) Counties. These VOC RACT SIP submittals satisfy the moderate VOC RACT requirements of section 182(b)(2) of the Clean Air Act (CAA).

DATES: Comments must be received on or before June 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0031 at *http://www.regulations.gov,* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment.

The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Katie Mullen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, *mullen.kathleen@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is EPA proposing?
II. What is the background for this action?
III. What is EPA's evaluation of Illinois' VOC RACT submittal?
IV. What action is EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is EPA proposing?

EPA is proposing to approve VOC RACT SIP revisions submitted by Illinois on January 10, 2019 and supplemented on April 30, 2020. EPA is also proposing to approve the Stepan Co. construction permit submitted by Illinois on March 29, 2021 as a revision to the Illinois SIP, making the throughput limits federally enforceable. These revisions satisfy the moderate VOC RACT requirements of section 182(b)(2) of the CAA for the Illinois portion under the 2008 8-hour ozone standard.

II. What is the background for this action?

VOCs contribute to the production of ground-level ozone, or smog, which harms human health and the environment. Sections 172(c)(1) and 182(b)(2) of the CAA require states to implement RACT in ozone nonattainment areas classified as moderate (and higher). Specifically, these areas are required to implement RACT for all major VOC sources and for all sources covered by a Control Techniques Guideline (CTG). A CTG is a document issued by EPA which establishes a ''presumptive norm'' for RACT for a specific VOC source category. States must submit rules, or negative declarations when no such sources exist for CTG source categories.

EPA's SIP Requirements Rule for the 2008 ozone NAAQS indicates that states may meet RACT through the establishment of new or more stringent requirements that meet RACT control levels, through a certification that previously adopted RACT controls in their SIPs approved by EPA for a prior ozone NAAQS also represent adequate RACT control levels for attainment of the 2008 ozone NAAQS, or with a combination of these two approaches. *See* 80 FR 12,264, 12,278–79 (Mar. 6, 2015). As stated above, a state may submit a negative declaration in instances where there are no CTG sources.

On June 11, 2012, EPA designated the Chicago-Naperville, IL-IN-WI nonattainment area as a marginal nonattainment area for the 2008 ozone NAAQS (77 FR 34221). The Illinois portion includes Cook, DuPage, Kane, Lake, McHenry, and Will Counties and parts of Grundy and Kendall Counties. On May 4, 2016, pursuant to section 181(b)(2) of the CAA, EPA determined that the Chicago-Naperville, IL-IN-WI nonattainment area failed to attain the 2008 ozone NAAQS by the July 20, 2015, marginal area attainment deadline and thus reclassified the area from marginal to moderate nonattainment (81 FR 26697). In that action, EPA established January 1, 2017, as the due date for the state to submit all moderate area nonattainment plan SIP requirements applicable to newly reclassified areas. On August 23, 2019, pursuant to section 181(b)(2) of the CAA, EPA determined that the Chicago-Naperville, IL-IN-WI nonattainment area failed to attain the 2008 ozone NAAQS by the July 20, 2018, moderate area attainment deadline and thus reclassified the area from moderate to serious nonattainment (84 FR 44238). In that action, EPA established August 3, 2020 and March 23, 2021 as the due dates for serious area nonattainment plan SIP submissions for newly reclassified areas. This action only addresses the moderate VOC RACT SIP submissions.

III. What is EPA's evaluation of Illinois' VOC RACT submittal?

Illinois previously addressed RACT requirements for the Illinois portion under the 1979 and 1997 ozone standards (45 FR 11472, 52 FR 45333, 59 FR 46562, and 77 FR 16940). Illinois' VOC RACT rules for the Illinois portion are contained in 35 Ill. Adm. Code Part 218 (Part 218). Illinois has evaluated the regulations previously approved by EPA and determined that these rules continue to satisfy RACT requirements under the 2008 ozone NAAQS.

The rules in Part 218 include rules addressing CTG categories adopted by EPA through 2018 for which there are existing sources in the Illinois portion. Negative declarations for other CTG categories are detailed below.

Major non-CTG VOC sources, which are subject to RACT, are stationary sources that have the potential to emit (PTE) at least 100 tons per year (TPY) of VOCs in moderate ozone nonattainment areas and are not subject to the applicability criteria in the CTGs. Many major non-CTG VOC sources located in the ozone nonattainment area that are not subject to specific RACT rules are subject to generic RACT rules. Thus, Illinois has met the obligation to implement RACT for many major non-CTG VOC sources in the Illinois portion with SIP-approved regulations under Part 218 subparts PP, QQ, RR, and TT.

Illinois has previously submitted several negative declarations for CTG categories for which there were no applicable sources found in Illinois that meet the applicability criteria for those CTGs. In those cases, it was unnecessary to adopt new state rules and submit SIP revisions to address those CTG categories. Illinois has determined that these negative declarations are still valid and appropriate for the CTGs for the Shipbuilding and Ship Repair Industry, Natural Gas/Gasoline Processing Plants, Aerospace Manufacturing and Rework Facilities, High-Density Polyethylene/Polypropylene Manufacturing, Vegetable Oil Processing, and Oil and Natural Gas Industry.

Shipbuilding and Ship Repair Industry

On November 11, 1996, Illinois submitted to EPA a negative declaration letter for the Ship Building and Ship Repair Industry. This CTG applies to sources with potential emissions greater than or equal to 25 tons of VOC per year for this category. Illinois determined that there were no such sources in the Illinois portion of the nonattainment area.

Illinois reviewed its most recent inventory to determine if any sources fall under this category. Illinois found four sources that required further review. All four of these sources are barge cleaning sources with VOC emissions limitations under 25 TPY.

Therefore, the negative declaration is still valid and appropriate for this CTG category.

Natural Gas/Gasoline Processing Plants

On November 14, 1985, Illinois submitted to EPA a negative declaration letter for the Natural Gas/Gasoline Processing Plant industry. Illinois determined that there were no sources of any size in this source category in the Illinois portion.

Illinois reviewed its most recent inventory to determine if any sources fall under this category. There were 35 sources that required further review. One source (SIC 1321) does have emission units that fall under the CTG. This source was built after Illinois' negative declaration for this CTG category and is subject to the control requirements in the New Source Performance Standard (NSPS) 40 CFR 60 subpart KKK Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. The NSPS standards and control requirements are equivalent to or more stringent than the CTG requirements.

The other 34 sources (SIC 4922, 4923, and 4924) are natural gas pipelines that are used to transport gas across Illinois to nearby states. None of these sources have emission units that fall under this CTG category. Therefore, the negative declaration/RACT certification is still valid and appropriate for the CTG category.

Aerospace Manufacturing and Rework Facilities

On October 11, 1996, Illinois submitted to EPA a negative declaration letter for the Aerospace Manufacturing and Rework Operations CTG. This CTG applies to sources in this category with potential emissions greater than or equal to 25 tons of VOC per year. Illinois determined that there were no such sources in the Illinois portion.

Illinois reviewed its most recent inventory to determine if any sources fall under this category. Illinois found 11 sources under SIC codes 3728, 4512, 4581, and 9711. None of these sources have emission units that fall under this CTG category. Therefore, the negative declaration is still valid and appropriate for the CTG category.

High-Density Polyethylene, Polypropylene, and Polystyrene Resins

The Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins CTG covers the manufacture of those three materials. Illinois previously submitted a negative declaration to EPA that applied to two of those materials, Polyethylene and Polypropylene, and certified that there were no sources manufacturing those materials in the Illinois portion. The third material, Polystyrene, is regulated by State RACT rules in Part 218 subpart BB: Polystyrene Plants.

Illinois reviewed its most recent inventory and confirmed that no sources fall under the four SIC codes (2821, 2822, 2823, and 2824) for this CTG category for the manufacture of polyethylene and polypropylene. There are two sources out of 11 under SIC 2821 that manufacture polystyrene resin and are subject to Part 218 subpart BB Polystyrene Plants, the current RACT rule in Illinois. Therefore, the negative declaration/RACT certification is still valid and appropriate for the CTG category.

Vegetable Oil Processing

Illinois determined there were no such sources in the Illinois portion. Illinois reviewed its most recent inventory to determine if any sources fall under this category and found one source that required further review. This source is subject to the control requirements in the NESHAP 40 CFR 63 subpart GGGG for Solvent Extraction for Vegetable Oil Production.

The NESHAP standards for control are equivalent to or more stringent than the outdated former CTG. Thus, the negative declaration/RACT certification is still valid and appropriate.

Oil and Natural Gas Industry

On December 5, 2018 Illinois submitted to EPA a negative declaration for the Oil and Natural Gas Industry, which is the subject of the October 20, 2016 CTG. Illinois reviewed the Chicago-Naperville, IL-IN-WI nonattainment area emission inventory and performed assessments for sources and units that might require additional regulation pursuant to the Oil and Gas CTG. Illinois found no oil or gas producing wells, and found no sources or units affected by this CTG in the Illinois portion for which a SIP revision is necessary to achieve RACT level control. Most of the sources identified in the oil and gas industry in the Illinois portion are involved exclusively in the processing, transmission and distribution of oil and gas. Sources and units that were found to be potentially affected by the Oil and Gas CTG were found to be exempt and are already controlled by Federal and/or State regulations that include requirements more stringent than the CTG RACT requirements. Thus, the negative declaration/RACT certification is valid.

Industrial Wastewater

EPA issued a draft CTG for the industrial wastewater category in September 1992. However, because this CTG was never finalized, industrial wastewater sources are considered to be non-CTG VOC sources. Industrial wastewater is a category that is not covered by the Illinois non-CTG VOC RACT rules.

On December 23, 1999, Illinois submitted to EPA a negative declaration letter for the Illinois portion covering industrial wastewater sources. At that time, Illinois determined that all sources in the Illinois portion to which the draft CTG would be applicable were covered by other regulations that were as stringent or more stringent than the draft CTG. Those sources were two refineries and one chemical plant that were subject to Federal regulations covering waste operations.

Illinois reviewed its most recent inventory to determine if any sources fall under the industrial wastewater category, including: Organic chemicals, plastics, and synthetic fibers; pharmaceuticals; pesticides manufacturing; petroleum refining; pulp, paper, and paperboard mills; and hazardous waste treatment, storage, and disposal facilities. Illinois found 54 sources that required further review. Illinois examined each unit at these sources and the operating permits of those sources to determine whether a source was a significant source of wastewater or if the draft CTG was potentially applicable to a source or unit. Of those 54 sources, it was determined that the draft CTG would be applicable to only six sources. It was found that all subject sources were covered under the NESHAP 40 CFR 63 subpart G, the NESHAP 40 CFR 63 subpart FFFF, or by Part 218 subpart C, all of which are equivalent or more stringent than the draft CTG.

EPA requested additional information for twelve industrial wastewater sources that were identified as potentially being subject to non-CTG VOC RACT based on historical emissions. On April 30, 2020, Illinois submitted supplementary information demonstrating that either the existing levels of control represent RACT (RACT equivalence) or that the sources' potential to emit VOC are below the 100 TPY non-CTG VOC moderate area major source threshold and thus the sources are not subject to non-CTG VOC RACT.

The twelve sources that the EPA evaluated include the following refineries and chemical plants: Ester

Solutions, Hexion Inc., INEOS Joliet, INEOS Styrolution America LLC, Polynt Composites USA, Akzo Nobel, AbbVie, LyondellBasell, Exxon Mobil Oil Corp., Citgo Petroleum, Koppers Inc., and Stepan Co.

Ester in Bedford Park, IL, Hexion in Bedford Park, IL, INEOS Styrolution America LLC in Channahon, IL, and Polynt in Carpentersville, IL are not subject to RACT because the PTE VOC from each of these sources is less than 100 TPY.

The second INEOS source, INEOS Joliet, is also located in Channahon, IL. The supporting documentation provided by INEOS Joliet indicates that some of the wastewater streams are hard piped to two emission points. These two emission points are a storage tank vent and an anaerobic flare, each of which has a federally enforceable permitted limit of 0.44 TPY. The remaining wastewater streams at this source are directed through open sewers to the wastewater treatment system. After considering the federally enforceable permitted limit, EPA calculated the total PTE VOC to be 41.1 TPY, which is below the 100 TPY non-CTG threshold.

Akzo Nobel is located in Morris, IL and has two wastewater emission units. One unit is classified as an insignificant activity (less than 0.1 pounds per hour and less than 0.44 TPY) and the other unit is required by a SIP-approved rule to route its VOC emissions to an afterburner that achieves at least 85 percent control. After considering this federally enforceable control, the total PTE VOC from wastewater at Akzo Nobel was determined to be less than 1 TPY.

AbbVie in North Chicago, IL demonstrated RACT equivalence. Most of its wastewater is taken off site for treatment. The remaining VOC-containing wastewater streams are well controlled at the on-site wastewater treatment plant. The requirements to conduct pretreatment are federally enforceable through its Discharge Control Document, which was issued by the publicly owned treatment works as required by its National Pollutant Discharge Elimination System permit issued by Illinois EPA. A comparison of controlled and uncontrolled emissions demonstrated approximately 98 percent control of VOC from their wastewater operations. EPA concluded that AbbVie is well controlled and that this level of control represents RACT.

LyondellBasell is subject to the Miscellaneous Organic Chemical Manufacturing NESHAP and Benzene Waste Operations NESHAP (BWON). After considering these applicable NESHAPs, the EPA calculated the total PTE VOC to be 20.38 TPY, which is below the 100 TPY non-CTG threshold.

Both Exxon Mobil Oil Corporation's Joliet Refinery and Citgo Petroleum's Lemont Refinery demonstrated that potential VOC emissions from sources at each facility not subject to a CTG are below the 100 TPY non-CTG threshold for moderate areas. Both refineries are subject to the BWON NESHAP (40 CFR 61, subpart FF). After considering BWON restrictions, the PTE VOC from refinery wastewater was calculated to be 75.3 TPY, which is below the 100 TPY non-CTG threshold. This value was derived from BWON NESHAP's 6.0 megagrams per year benzene limit and EPA's technology review in support of the recent amendments to the Petroleum Refinery Sector Rule.

Koppers in Cicero, IL submitted a modeling demonstration for the wastewater system at the plant. Environmental Resources Management, Inc. modeled the Koppers wastewater treatment plant using a Toxchem model to predict the annual PTE VOC. The total PTE VOC at Koppers was estimated to be 2.25 TPY, which is far below the 100 TPY non-CTG threshold.

Stepan Co. in Elwood, IL applied for a construction permit that provides operational limits on throughput from upstream processes into the wastewater stream. The operational limits on throughput are on the masses of methanol and other VOC compounds in the wastewater, which contribute to the VOC wastewater emissions. Biodegradation is also required to meet the effluent limitation in the federally enforceable National Pollutant Discharge Elimination System permit. After considering the application of biodegradation provided by the three aeration tanks at Stepan Co., the operational limits result in a potential to emit VOC of 97.8 TPY, which is below the 100 TPY non-CTG threshold. EPA is proposing to approve this construction permit as a revision to the Illinois SIP, making the throughput limits federally enforceable.

Based on the information that Illinois provided, we agree that that these sources either demonstrated RACT equivalence or are below the 100 TPY non-CTG major source threshold for moderate areas. Therefore, the VOC RACT SIP submittals for the Illinois portion are approvable as meeting the moderate VOC RACT requirements of section 182(b)(2) of the CAA.

IV. What action is EPA taking?

EPA is proposing to approve negative declarations, a VOC RACT certification, and the Stepan Co. construction permit submitted by Illinois as meeting the CAA section 182(b)(2) moderate RACT requirements for the Illinois portion under the 2008 8-hour ozone NAAQS.

V. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Illinois construction permit for Stepan Company's Millsdale Plant, issued October 30, 2020, as described in section III. of this preamble. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: May 3, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–09686 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 10

[Docket No. FWS–HQ–MB–2018–0090; FF09M21200–212–FXMB1231099BPP0]

RIN 1018–BD76

Regulations Governing Take of Migratory Birds; Proposed Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: On January 7, 2021, we, the U.S. Fish and Wildlife Service (we, the Service, or USFWS), published a final rule defining the scope of the Migratory Bird Treaty Act (MBTA) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA. We are now proposing to revoke that rule for the reasons set forth below. The effect of this proposed rule would be to return to implementing the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent.

DATES: We request public comments on this proposed rule on or before June 7, 2021.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–MB–2018–0090, which is the docket number for this action. Then, click on the Search button. You may submit a comment by clicking on ''Comment Now!'' Please ensure you have located the correct document before submitting your comments.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–MB–2018–0090, U.S. Fish and Wildlife Service, MS: JAO/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

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

FOR FURTHER INFORMATION CONTACT: Jerome Ford, Assistant Director, Migratory Birds, at 202–208–1050.

SUPPLEMENTARY INFORMATION: On January 7, 2021, we published a final rule defining the scope of the MBTA (16 U.S.C. 703 *et seq.*) as it applies to conduct resulting in the injury or death of migratory birds protected by the MBTA (86 FR 1134) (hereafter referred to as the ''January 7 rule''). The January 7 rule codified an interpretation of the MBTA set forth in a 2017 legal opinion of the Solicitor of the Department of the Interior, Solicitor's Opinion M–37050, which concluded that the MBTA does not prohibit incidental take.

As initially published, the January 7 rule was to become effective 30 days later, on February 8, 2021. However, on February 4, 2021, USFWS submitted a final rule to the **Federal Register** correcting the January 7 rule's effective date to March 8, 2021, to conform with its status as a ''major rule'' under the Congressional Review Act, which requires a minimum effective date period of 60 days, *see* 5 U.S.C. 801(a)(3) and 804(2). The final rule extending the effective date of the January 7 final rule itself became effective when it was made available for public inspection in the reading room of the Office of Federal Register on February 5, 2021 and was published in the **Federal Register** on February 9, 2021 (86 FR 8715). In that document, we also sought public comment to inform our review of the January 7 rule and to determine whether further extension of the effective date is necessary.

After further review, we decided not to extend the effective date of the January 7 rule beyond March 8. We acknowledge that the January 7 rule will remain in effect for some period of time even if it is ultimately determined, after notice and comment, that it should be revoked. But, rather than extending the effective date again, we believe that the most transparent and efficient path forward is instead to immediately propose to revoke the January 7 rule. This proposed rule provides the public with notice of our current intent to revoke the January 7 rule's interpretation of the MBTA that it does not prohibit incidental take, subject to our final decision after consideration of public comments.

We have undertaken further review of the January 7 rule and have determined that the rule does not reflect the best reading of the MBTA's text, purpose, and history. It is also inconsistent with the majority of relevant court decisions addressing the issue, including the decision of the District Court for the Southern District of New York that expressly rejected the rationale offered in the rule. The rule's reading of the MBTA also raises serious concerns with a United States' treaty partner, and for the migratory bird resources protected by the MBTA and underlying treaties. Accordingly, we are proposing to revoke the January 7 rule.

The MBTA statutory provisions at issue in the January 7 rule have been the subject of repeated litigation and diametrically opposed opinions of the Solicitors of the Department of the Interior. The longstanding historical agency practice confirmed in the earlier Solicitor M-Opinion, M–37041, and upheld by most reviewing courts, had been that the MBTA prohibits the incidental take of migratory birds (subject to certain legal constraints). The January 7 rule reversed these several decades of past agency practice and interpreted the scope of the MBTA to exclude incidental take of migratory birds. In so doing, the January 7 rule codified Solicitor's Opinion M–37050, which itself had been vacated by the United States District Court for the Southern District of New York. This interpretation focused on the language of section 2 of the MBTA, which, in relevant part, makes it ''unlawful at any time, by any means, or in any manner, to pursue, hunt, take, capture, kill'' migratory birds or attempt to do the same. 16 U.S.C. 703(a). Solicitor's

Opinion M–37050 and the January 7 rule argued that the prohibited terms listed in section 2 all refer to conduct directed at migratory birds, and that the broad preceding language, ''by any means, or in any manner,'' simply covers all potential methods and means of performing actions directed at migratory birds and does not extend coverage to actions that incidentally take or kill migratory birds.

As noted above, on August 11, 2020, a court rejected the interpretation set forth in Solicitor's Opinion M–37050 as contrary to the MBTA and vacated that opinion. *Natural Res. Def. Council* v. *U.S. Dep't of the Interior,* 478 F. Supp. 3d 469 (S.D.N.Y. 2020) (''*NRDC*''). In late January 2021, two new lawsuits were filed that challenge the January 7 rule. *Nat'l Audubon Soc'y* v. *U.S. Fish & Wildlife Serv.,* 1:21–cv–00448 (S.D.N.Y. filed Jan. 19, 2021); *State of New York* v. *U.S. Dep't of the Interior,* 1:21–cv–00452 (S.D.N.Y. filed Jan. 19, 2021). At the time the January 7 rule was published, the United States had filed a notice of appeal of the *NRDC* decision in the U.S. Court of Appeals for the Second Circuit. Since that time, the United States filed a stipulation to dismiss that appeal on February 25, 2021, and the Deputy Solicitor permanently withdrew M–37050 on March 8, 2021.

The District Court's decision in *NRDC* expressly rejected the basis for the January 7 rule's conclusion that the statute does not prohibit incidental take. In particular, the court reasoned that the plain language of the MBTA's prohibition on killing protected migratory bird species ''at any time, by any means, and in any manner'' shows that the MBTA prohibits incidental killing. *See* 478 F. Supp. 3d at 481. Thus, the statute is not limited to actions directed at migratory birds. After closely examining the court's holding, we are persuaded that it advances the better reading of the statute, including that the better reading of ''kill'' is that it also prohibits incidental killing.

The interpretation contained in the January 7 rule relies heavily on *United States* v. *CITGO Petroleum Corp.,* 801 F.3d 477 (5th Cir. 2015) (*CITGO*). The Fifth Circuit is the only Circuit Court of Appeals to expressly state that the MBTA does not prohibit incidental take. In *CITGO,* the Fifth Circuit held that the term ''take'' in the MBTA does not include incidental taking because ''take'' at the time the MBTA was enacted in 1918 referred in common law to ''[reducing] animals, by killing or capturing, to human control'' and accordingly could not apply to accidental or incidental take. *Id.* at 489 (following *Babbitt* v. *Sweet Home Chapter Cmtys. for a Great Or.,* 515 U.S. 687, 717 (1995) (Scalia J., dissenting) (*Sweet Home*)). While we do not agree with the *CITGO* court's interpretation of the term ''take'' under the MBTA, we further note that *CITGO* does not provide legal precedent for construing ''kill'' narrowly. The *CITGO* court's analysis is limited by its terms to addressing the meaning of the term ''take'' under the MBTA; thus, any analysis of the meaning of the term ''kill'' was not part of the court's holding. As discussed below, however, we also disagree with the *CITGO* court's analysis of the term ''kill.''

Although the *CITGO* court's holding was limited to interpreting ''take,'' the court opined in dicta that the term ''kill'' is limited to intentional acts aimed at migratory birds in the same manner as ''take.'' *See* 801 F.3d at 489 n.10. However, the court based this conclusion on two questionable premises.

First, the court stated that ''kill'' has little if any independent meaning outside of the surrounding prohibitory terms ''pursue,'' ''hunt,'' ''capture,'' and ''take,'' analogizing the list of prohibited acts to those of two other environmental statutes—the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) and the Migratory Bird Conservation Act (16 U.S.C. 715 *et seq.*). *See id.* The obvious problem with this argument is that it effectively reads the term ''kill'' out of the statute; in other words, the *CITGO* court's reasoning renders ''kill'' superfluous to the other terms mentioned, thus violating the rule against surplusage. *See, e.g., Corley* v. *United States,* 556 U.S. 303, 314 (2009).

Second, employing the *noscitur a sociis* canon of statutory construction (which provides that the meaning of an ambiguous word should be determined by considering its context within the words it is associated with), the Fifth Circuit argued that because the surrounding terms apply to ''deliberate acts that effect bird deaths,'' then ''kill'' must also. *See* 801 F.3d at 489 n.10. The January 7 rule also relied heavily on this canon to argue that both ''take'' and ''kill'' must be read as deliberate acts in concert with the other referenced terms. Upon closer inspection though, the only terms that clearly and unambiguously refer to deliberate acts are ''hunt'' and ''pursue.'' Both the *CITGO* court and the January 7 final rule erroneously determined that ''capture'' can also only be interpreted as a deliberate act. This is not so. There are many examples of unintentional or incidental capture, such as incidental capture in traps intended for animals other than birds or in netting designed to prevent swallows nesting under bridges. Thus, the *CITGO* court's primary argument that ''kill'' only applies to ''deliberate actions'' rests on the fact that just two of the five prohibited actions unambiguously describe deliberate acts. The fact that most of the prohibited terms can be read to encompass actions that are not deliberate in nature is a strong indication that Congress did not intend those terms to narrowly apply only to direct actions.

The *NRDC* court similarly rejected the January 7 rule's interpretation of the term ''kill'' and its meaning within the context of the list of actions prohibited by the MBTA. The court noted the broad, expansive language of section 2 prohibiting hunting, pursuit, capture, taking, and killing of migratory birds ''by any means or in any manner.'' 478 F. Supp. 3d at 482. The court reasoned that the plain meaning of this language can only be construed to mean that activities that result in the death of a migratory bird are a violation ''irrespective of whether those activities are specifically directed at wildlife.'' *Id.* The court also noted that the *Sweet Home* decision relied upon by the *CITGO* court and the January 7 rule actually counsels in favor of a broad reading of the term ''kill,'' even assuming Justice Scalia accurately defined the term ''take'' in his dissent. The *Sweet Home* case dealt specifically with the definition of ''take'' under the ESA, which included the terms ''harm'' and ''kill.'' The majority in *Sweet Home* was critical of the consequences of limiting liability under the ESA to ''affirmative conduct intentionally directed against a particular animal or animals,'' reasoning that knowledge of the consequences of an act are sufficient to infer liability, including typical incidental take scenarios. *Id.* at 481–82.

The *NRDC* court went on to criticize the use of the *noscitur a sociis* canon in Solicitor's Opinion M–37050 (a use repeated in the January 7 rule). The court reasoned that the term ''kill'' is broad and can apply to both intentional, unintentional, and incidental conduct. The court faulted the Solicitor's narrow view of the term and disagreed that the surrounding terms required that narrow reading. To the contrary, the court found the term ''kill'' to be broad and not at all ambiguous, pointedly noting that proper use of the *noscitur* canon is confined to interpreting ambiguous statutory language. Moreover, use of the *noscitur* canon deprives ''kill'' of any independent meaning, which runs headlong into the canon against surplusage as noted above. The court did not agree that an example provided

by the government demonstrated that ''kill'' had independent meaning from ''take'' under the interpretation espoused by Solicitor's Opinion M–37050. By analogy, the court referenced the Supreme Court's rejection of the dissent's use of the *noscitur* canon in *Sweet Home,* which similarly gave the term ''harm'' the same essential function as the surrounding terms used in the definition of ''take'' under the ESA, denying it independent meaning. *See id.* at 484.

In sum, after further review of the *CITGO* and *NRDC* decisions, along with the language of the statute, we now conclude that the interpretation of the MBTA set forth in the January 7 rule and Solicitor's Opinion M–37050, which provided the basis for that interpretation, is not the construction that best accords with the text, purposes, and history of the MBTA. It simply cannot be squared with the *NRDC* court's holding that the MBTA's plain language encompasses the incidental killing of migratory birds. Even if the *NRDC* court's plain-language analysis were incorrect, the operative language of the MBTA is at minimum ambiguous, thus USFWS has discretion to implement that language in a manner consistent with the conservation purposes of the statute and its underlying Conventions. To the extent that the primary policy justifications for the January 7 rule were resolving uncertainty and increasing transparency through rulemaking, we do not consider these concerns to outweigh the legal infirmities of the January 7 rule or the conservation purposes of the statute and its underlying Conventions. Interpreting the statute to exclude incidental take is not the reading that best advances these purposes, which is underscored by the following additional reasons for revoking the current regulation.

First, the January 7 rule is undermined by the 2002 legislation authorizing military-readiness activities that incidentally take or kill migratory birds. In that legislation, Congress temporarily exempted ''incidental taking'' caused by military-readiness activities from the prohibitions of the MBTA; required the Secretary of Defense to identify, minimize, and mitigate the adverse effect of military-readiness activities on migratory birds; and directed USFWS to issue regulations under the MBTA creating a permanent exemption for military-readiness activities. Bob Stump National Defense Authorization Act for Fiscal Year 2003, Public Law 107–314, Div. A, Title III, section 315 (2002), 116 Stat. 2509 (Stump Act). This legislation was enacted in response to a court ruling that had enjoined military training that incidentally killed migratory birds. *Ctr. for Biological Diversity* v. *Pirie,* 191 F. Supp. 2d 161 and 201 F. Supp. 2d 113 (D.D.C. 2002), *vacated on other grounds sub nom. Ctr. for Biological Diversity* v. *England,* 2003 U.S. App. Lexis 1110 (D.C. Cir. Jan. 23, 2003). Notably, Congress did not amend the MBTA to define the terms ''take'' or ''kill.'' Instead, Congress itself uses the term ''incidental take'' and provides that the MBTA ''shall not apply'' to such take by the Armed Forces during ''military-readiness activities.'' Moreover, Congress limited the exemption only to military-readiness activities to training and operations related to combat and the testing of equipment for combat use; it expressly excluded routine military-support functions and the ''operation of industrial activities'' from the exemption afforded by the 2002 legislation, leaving such non-combat-related activities fully subject to the prohibitions of the Act. Even then, the military-readiness incidental take carve-out was only temporarily effectuated through the statute itself. Congress further directed the Department of the Interior (DOI or the Department) ''to prescribe regulations to exempt the Armed Forces for the incidental taking of migratory birds during military readiness activities.'' This would be an odd manner in which to proceed to address the issue raised by the *Pirie* case if Congress' governing understanding at the time was that incidental take of any kind was not covered by the Act (we acknowledge that Congress's understanding when enacting legislation in 2002 is relevant to, but not dispositive of, Congress's intent when it enacted the MBTA in 1918). Congress simply could have amended the MBTA to clarify that incidental take is not prohibited by the statute or, at the least, that take incidental to military-readiness activities is not prohibited. Instead, Congress limited its amendment to exempting incidental take only by military-readiness activities, expressly excluded other military activities from the exemption, and further directed DOI to issue regulations delineating the scope of the military-readiness carve-out from the prohibitions of the Act. All of these factors indicate that Congress understood that the MBTA's take and kill prohibitions included what Congress itself termed ''incidental take.''

In arguing that Congress's authorization of incidental take during military-readiness activities did not authorize enforcement of incidental take in other contexts, the January 7 rule cites the *CITGO* court's conclusion that a ''single carve-out from the law cannot mean that the entire coverage of the MBTA was implicitly and hugely expanded.'' *CITGO,* 801 F.3d at 491. It is true that the Stump Act clearly did not, by its terms, authorize enforcement of incidental take in other contexts. It clearly could not do anything of the sort, based on its narrow application to military-readiness activities. Rather, the logical explanation is that Congress considered that the MBTA already prohibited incidental take (particularly given USFWS's enforcement of incidental take violations over the prior three decades) and there was no comprehensive regulatory mechanism available to authorize that take. Thus, it was necessary to temporarily exempt incidental take pursuant to military-readiness activities to address the *Pirie* case and direct USFWS to create a permanent exemption. This conclusion is supported by the fact that Congress specifically stated in the Stump Act that the exemption did not apply to certain military activities that do not meet the definition of military readiness, including operation of industrial activities and routine military-support functions.

On closer inspection, the *CITGO* court's analysis of the purposes behind enactment of the military-readiness exemption is circular. Assuming the military-readiness exemption is necessary because the MBTA otherwise prohibits incidental take only represents an implicit and huge expansion of coverage under the MBTA if it is assumed that the statute did not already prohibit incidental take up to that point. But Congress would have had no need to enact the exemption if the MBTA did not—both on its terms and in Congress's understanding—prohibit incidental take. The adoption of a provision to exempt incidental take in one specific instance is merely a narrowly tailored exception to the general rule, and provides clear evidence of what Congress understood the MBTA to prohibit.

Second, further consideration of concerns expressed by one of our treaty partners counsels in favor of revoking the January 7 rule. The MBTA implements four bilateral migratory bird Conventions with Canada, Mexico, Russia, and Japan. *See* 16 U.S.C. 703–705, 712. The Government of Canada communicated its concerns with the January 7 rule both during and after the rulemaking process, including providing comments on the environmental impact statement (EIS) associated with the rule.

After the public notice and comment period had closed, Canada's Minister of

Environment and Climate Change summarized the Government of Canada's concerns in a public statement issued on December 18, 2020 (*https://www.canada.ca/en/environment-climate-change/news/2020/12/minister-wilkinson-expresses-concern-over-proposed-regulatory-changes-to-the-united-states-migratory-bird-treaty-act.html*). Minister Wilkinson voiced the Government of Canada's concern regarding ''the potential negative impacts to our shared migratory bird species'' of allowing the incidental take of migratory birds under the MBTA rule and ''the lack of quantitative analysis to inform the decision.'' He noted that the ''Government of Canada's interpretation of the proposed changes . . . is that they are not consistent with the objectives of the Convention for the Protection of Migratory Birds in the United States and Canada.'' Additionally, in its public comments on the draft EIS for the MBTA rule, Canada stated that it believes the rule ''is inconsistent with previous understandings between Canada and the United States (U.S.), and is inconsistent with the long-standing protections that have been afforded to non-targeted birds under the Convention for the Protection of Migratory Birds in the United States and Canada . . . as agreed upon by Canada and the U.S. through Article I. The removal of such protections will result in further unmitigated risks to vulnerable bird populations protected under the Convention.'' After further consideration, we have similar concerns to those of our treaty partner, Canada.

The protections for ''non-targeted birds'' noted by the Canadian Minister are part and parcel of the Canada Convention, as amended by the Protocol between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, which protects not only game birds hunted and trapped for sport and food, but also nongame birds and insectivorous birds. For instance, the preamble to the Convention declares ''saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless'' as its very purpose and declares that ''many of these species are . . . in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds.'' Convention between the United States and Great Britain (on behalf of Canada) for the Protection of Migratory Birds, 39 Stat. 1702 (Aug. 16, 1916). Thus, whether one argues that the language of section 2 of the MBTA plainly prohibits incidental killing of migratory birds or is ambiguous in that regard, an interpretation that excludes incidental killing is difficult to square with the express conservation purposes of the Canada Convention. Moreover, until recently there had been a longstanding ''mutually held interpretation'' between the two treaty partners that regulating incidental take is consistent with the underlying Convention, as stated in an exchange of Diplomatic Notes in 2008. While Canada expressed its position before the final rule on January 7, upon review, we now have determined that the concerns raised by the United States' treaty partner counsel in favor of revocation of the rule.

In addition to the Canada Convention, the January 7 rule may also be inconsistent with the migratory bird conventions with Mexico, Japan, and Russia. The Japan and Russia Conventions both broadly call for the parties to prevent damage to birds from pollution. *See* Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, Mar. 4, 1972, 25 U.S.T. 3329 (Japan Convention); Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment, Nov. 19, 1976, 29 U.S.T. 4647 (Russia Convention). The Protocols amending the Canada and Mexico Conventions contain similar language calling for the parties to seek means to prevent damage to birds and their environment from pollution. *See* Protocol between the Government of the United States and the Government of Canada Amending the 1916 Convention Between the United Kingdom and the United States of America for the Protection of Migratory Birds, Dec. 14, 1995, S. Treaty Doc. No. 104–28, T.I.A.S. 12721; Protocol Between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, May 5, 1997, S. Treaty Doc. No. 105–26.

Some of the relevant provisions include Article IV of the Protocol with Canada, which states that each party shall use its authority to ''take appropriate measures to preserve and enhance the environment of migratory birds,'' and in particular shall ''seek means to prevent damage to [migratory] birds and their environments, including damage resulting from pollution''; Article I of the Mexico Convention, which discusses protecting migratory birds by ''means of adequate methods[. . .]''; Article VI(a) of the Japan Convention, which provides that parties shall ''[s]eek means to prevent damage to such birds and their environment, including, especially, damage resulting from pollution of the seas''; and Articles IV(1) and 2(c) of the Russia Convention, which require parties to ''undertake measures necessary to protect and enhance the environment of migratory birds and to prevent and abate the pollution or detrimental alteration of that environment,'' and, in certain special areas, undertake, to the maximum extent possible, ''measures necessary to protect the ecosystems in those special areas . . . against pollution, detrimental alteration and other environmental degradation.''

The January 7 rule eliminates a source of liability for pollution that incidentally takes and kills migratory birds, a position that is difficult to square with the mutually agreed-upon treaty provisions agreeing to prevent damage to birds from pollution. The January 7 rule does not directly affect natural resource damage assessments conducted under the Comprehensive Environmental Response Compensation and Liability Act, the Oil Pollution Act, and the Clean Water Act to determine compensation to the public for lost natural resources and their services from accidents that have environmental impacts, such as oil spills. However, for oils spills such as the BP Deepwater Horizon Gulf oil spill and the *Exxon Valdez* oil spill in Alaska, significant penalties were levied in addition to those calculated under natural resource damage assessments based on incidental-take liability under the MBTA. Those fines constituted a large proportion of the total criminal fines and civil penalties associated with historical enforcement of incidental take violations. As noted in the EIS, the January 7 rule eliminates the Federal Government's ability to levy similar fines in the future, thereby reducing the deterrent effect of the MBTA and reducing funding for the North American Wetland Conservation Fund for the protection and restoration of wetland habitat for migratory birds.

In sum, the issues raised by the Government of Canada raise significant concerns regarding whether the January 7 rule is consistent with the Canada Convention, and questions also remain regarding that rule's consistency with the other migratory bird Conventions. We note as well that the primary policy justifications for the January 7 rule were resolving uncertainty and increasing

transparency through rulemaking. These concerns, however, do not outweigh the legal infirmities of the January 7 rule or the conservation objectives described above. On these bases, in addition to the legal concerns raised above, we are proposing to revoke the MBTA rule.

Public Comments

We solicit public comments on the following topics:

1. Whether we should revoke the rule, as proposed here, and why or why not;
2. The costs or benefits of revoking the rule;
3. The costs or benefits of leaving the rule in place; and
4. Any reliance interests that might be affected by revoking the rule, or not revoking the rule.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you provided comments in response to the February 9, 2021, rule (86 FR 8715) to extend the effective date of the January 7 rule, you do not need to resubmit those comments in response to this proposed rule. The USFWS will consider all comments pertaining to the January 7 rule that were submitted in response to the February 9, 2021, rule in determining whether to revoke the January 7 rule. Comments must be submitted to *http://www.regulations.gov* before 11:59 p.m. (Eastern Time) on the date specified in **DATES**. We will not consider mailed comments that are not postmarked by the date specified in **DATES**.

We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov.* If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive will be available for public inspection on *http://www.regulations.gov.*

Required Determinations

National Environmental Policy Act

Because we are proposing to revoke the January 7 MBTA rule, we will rely on the final EIS developed to analyze that rule in determining the environmental impacts of revoking it: ''Final Environmental Impact Statement; Regulations Governing Take of Migratory Birds,'' available on *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. The alternatives analyzed in that EIS cover the effects of interpreting the MBTA to both include and exclude incidental take. If we finalize this proposed rule, we will publish an amended Record of Decision that explains our decision to instead select the environmentally preferable alternative, or Alternative B, in the final EIS. If we determine that any additional, relevant impacts on the human environment have occurred subsequent to our existing Record of Decision, we will describe those impacts in the amended Record of Decision.

Government to Government Relationship With Tribes

In accordance with Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' and the Department of the Interior's manual at 512 DM 2, we considered the possible effects of this rule on federally recognized Indian Tribes. 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 the January 7 rule that this proposed rule would revoke under the criteria in Executive Order 13175 and under the Department's Tribal consultation policy and determined that the January 7 rule may have a substantial direct effect on federally recognized Indian Tribes. We received requests from nine federally recognized Tribes and two Tribal councils for government-to-government consultation on that rule. Accordingly, the Service initiated government to government consultation via letters signed by Regional Directors and completed the consultations before issuing the January 7 final rule.

During these consultations, there was unanimous opposition from Tribes to the re-interpretation of the MBTA to exclude coverage of incidental take under the January 7 rule. Thus, this proposal to revoke the January 7 rule is consistent with the requests of federally recognized Tribes during those consultations.

Energy Supply Distribution

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As noted above, this rule is a significant regulatory action under E.O. 12866, but the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The action has not been otherwise designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) as a significant energy action. Therefore, no Statement of Energy Effects is required.

Endangered Species Act

Section 7 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531–44), requires that ''The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act.'' 16 U.S.C. 1536(a)(1). It further states ''[e]ach Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat.'' 16 U.S.C. 1536(a)(2). We have determined that this rule proposing the revocation of the January 7 rule regarding the take of migratory birds will have no effect on ESA-listed species within the meaning of ESA Section 7(a)(2).

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this proposed rule is economically significant.

Executive Order 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 proposed rule in a manner consistent with these requirements.

This proposed regulation would revoke the January 7 MBTA rule. The legal effect of this proposal would be to remove from the Code of Federal Regulations (CFR) the interpretation that incidental take of migratory birds is not prohibited under the MBTA, based on

the rationale explained in the preamble. As explained in the preamble, the Solicitor's Opinion (M–37050) that formed the basis for the January 7 rule was overturned in court and has since been withdrawn by the Solicitor's Office. By removing § 10.14 from subpart B of title 50 CFR, USFWS would revert to implementing the statute without an interpretative regulation governing incidental take, consistent with judicial precedent. This would mean that incidental take can violate the MBTA to the extent consistent with the statute and judicial precedent. Enforcement discretion would be applied, subject to certain legal constraints.

The Service conducted a regulatory impact analysis of the January 7 rule, which can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. In that analysis, we analyzed the effects of an alternative (Alternative B) where the Service would promulgate a regulation that interprets the MBTA to prohibit incidental take consistent with the Department's longstanding prior interpretation. By reverting to this interpretation, the Service would view the incidental take of migratory birds as a potential violation of the MBTA, consistent with judicial precedent. The Regulatory Impact Analysis for this proposed rule can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090. The primary benefit of this rule results from decreased incidental take. While we are unable to quantify the benefits, we expect this rule to result in increased ecosystem services and benefits to businesses that rely on these services. Further, benefits will accrue from increased bird watching opportunities. The primary cost of this rule is the compliance cost incurred by industry, which is also not quantifiable. Firms are more likely to implement best practice measures to avoid potential fines. Additionally, potential fines generate transfers from industry to the government. Using a 10-year time horizon (2022–2031), the present value of these transfers is estimated to be $73.6 million at a 7-percent discount rate and $67.1 million at a 3-percent discount rate. This would equate to an annualized value of $15.6 million at a 7-percent discount rate and $15.3 million at a 3-percent discount rate.

Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an 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 effects of the rule on small businesses, small organizations, and small government jurisdictions. However, in lieu of an initial or final regulatory flexibility analysis (IRFA or FRFA) the head of an agency may certify on a factual basis that the rule would not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities. Thus, for an initial/final 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). We prepared an Initial Regulatory Flexibility Analysis, briefly summarized below, to accompany this rule that can be viewed online at *http://www.regulations.gov* in Docket No. FWS–HQ–MB–2018–0090.

The proposed rule may affect industries that typically incidentally take substantial numbers of birds and with which the Service has worked to reduce those effects (Table 1). In some cases, these industries have been subject to enforcement actions and prosecutions under the MBTA prior to the issuance of M–37050. The vast majority of entities in these sectors are small entities, based on the U.S. Small Business Administration (SBA) small business size standards. It is important to note that many small businesses would not be affected if we ultimately promulgate this proposed rule. Only those businesses that reduced best management practices that avoid or minimize incidental take of migratory birds as a result of the issuance of M–37050 in January 2017 and the January 7, 2021, rule would incur costs. If we promulgate this proposed rule, those businesses would presumably reinstate those best management practices. We are requesting public comment on the number of businesses that reduced best management practices and the resulting cost savings as a direct result of issuance of M–37050 and the January 7 rule.

TABLE 1—DISTRIBUTION OF BUSINESSES WITHIN AFFECTED INDUSTRIES

NAICS industry description	NAICS code	Number of businesses	Small business size standard (number of employees)	Number of small businesses
Finfish Fishing	114111	1,210	[a] 20	1,185
Crude Petroleum and Natural Gas Extraction	211111	6,878	1,250	6,868
Drilling Oil and Gas Wells	213111	2,097	1,000	2,092
Solar Electric Power Generation	221114	153	250	153
Wind Electric Power Generation	221115	264	250	263
Electric Bulk Power Transmission	221121	261	500	214
Electric Power Distribution	221122	7,557	1,000	7,520
Wireless Telecommunications Carriers (except Satellite)	517312	15,845	1,500	15,831

Source: U.S. Census Bureau, 2012 County Business Patterns.

[a] **Note**: The SBA size standard for finfish fishing is $22 million. Neither Economic Census, Agriculture Census, nor the National Marine Fisheries Service collect business data by revenue size for the finfish industry. Therefore, we employ other data to approximate the number of small businesses. Source: U.S. Census Bureau, 2017 Economic Annual Survey.

Since the Service does not currently have a permitting system dedicated to authorizing incidental take of migratory birds, the Service does not have specific information regarding how many businesses in each sector implement measures to reduce incidental take of birds. Not all businesses in each sector incidentally take birds. In addition, a

variety of factors would influence whether, under the previous interpretation of the MBTA, businesses would implement such measures. It is also unknown how many businesses continued or reduced practices to reduce the incidental take of birds since publication of the Solicitor's Opinion M–37050 or issuance of the January 7 rule. We did not receive sufficient information on that issue during the public comment periods associated with the January 7 rule and associated NEPA analysis or the February 9 rule extending the effective date of the January 7 rule. We reiterate our request for public comment on these issues for this proposed rule.

If this proposed rulemaking results in revoking the January 7 rule, any subsequent incidental take of migratory birds could violate the MBTA, consistent with the statute and judicial precedent. Some small entities would incur costs if they reduced best management practices after M-Opinion 37050 was issued in January 2017 or after promulgation of the January 7, 2021, rule and would need to subsequently reinstate those practices if the January 7 rule is revoked, assuming they did not already reinstate such practices after vacatur of M-Opinion 37050.

Summary

Table 2 identifies examples of bird mitigation measures, their associated costs, and why available data are not extrapolated to the entire industry sector or small businesses. We are requesting public comment so we can extrapolate data, if appropriate, to each industry sector and any affected small businesses. Table 3 summarizes likely economic effects of the proposed rule on the business sectors identified in Table 1. In many cases, the costs of actions businesses typically implement to reduce effects on birds are small compared to the economic output of business, including small businesses, in these sectors. We are requesting public comment regarding this estimate. As shown by the limited data in Table 3, we are also requesting public comment for the finfish fishing and solar power electric generation industries to determine significance. The likely economic effects summarized in Table 3 are based on the RFA analysis for the January 7 rule. We solicited public comments on these issues during the public comment periods associated with the January 7 rule and associated NEPA analysis and the February 9 rule extending the effective date of the January 7 rule. We reiterate our request for public comment on these data for this proposed rule.

TABLE 2—BEST MANAGEMENT PRACTICES COSTS BY INDUSTRY [1]

NAICS industry	Example of bird mitigation measure	Estimated cost	Why data are not extrapolated to entire industry or small businesses
Finfish Fishing (NAICS 11411).	Changes in design of longline fishing hooks, changes in offal management practices, use of flagging or streamers on fishing lines.	• Costs are per vessel per year ..... • $1,400 for thawed blue-dyed bait. • $150 for strategic offal discards. • $4,600 for Tori line. • $4,000 one-time cost for underwater setting chute. • $4,000 initial and $50 annual for side setting.	• No data available on fleet size. • No data available on how many measures are employed on each vessel.
Crude Petroleum and Natural Gas Extraction NAICS (211111).	• Netting of oil pits and ponds ..... • Closed wastewater systems.	• $130,680 to $174,240 per acre to net ponds.. • Most netted pits are ¼ to ½ acre. • Cost not available for wastewater systems.	• Infeasible to net pits larger than 1 acre due to sagging. • Size distribution of oil pits is unknown. • Average number of pits per business is unknown. • Closed wastewater systems typically used for reasons other than bird mitigation.
Drilling Oil and Gas Wells (NAICS 213111).	• Netting of oil pits and ponds ..... • Closed loop drilling fluid systems.	• $130,680 to $174,240 per acre to net ponds.. • Cost not available for closed loop drilling fluid systems, but may be a net cost savings in arid areas with water conservation requirements.	• Infeasible to net pits larger than 1 acre due to sagging. • Size distribution of oil pits is unknown. • Average number of pits per business is unknown. • Closed loop drilling fluid systems typically used for reasons other than bird mitigation. • High variability in number of wells drilled per year (21,200 in 2019).
Solar Electric Power Generation (NAICS 221114).	Pre- and post-construction bird surveys	No public comments received on January 7 rule to estimate costs.	New projects can vary from 100 to 5,000 acres in size, and mortality surveys may not scale linearly.
Wind Electric Power Generation (NAICS 221115).	• Pre-construction adjustment of turbine locations to minimize bird mortality during operations. • Pre- and post-construction bird surveys. • Retrofit power poles to minimize eagle mortality.	• Cost not available for adjustment of turbine construction locations. • $100,000 to $500,000 per facility per year for pre-construction site use and post-construction bird mortality surveys. • $7,500 per power pole with high variability of cost • Annual nationwide labor cost to implement wind energy guidelines: $17.6M. • Annual nationwide non-labor cost to implement wind energy guidelines: $36.9M.	• Data not available for adjustment of turbine construction locations. • High variability in survey costs and high variability in need to conduct surveys. • High variability in cost and need to retrofit power poles.
Electric Bulk Power Transmission (NAICS 221121).	Retrofit power poles to minimize eagle mortality.	$7,500 per power pole with high variability of cost.	High variability in cost and need to retrofit power poles.
Electric Power Distribution (NAICS 221122).	Retrofit power poles to minimize eagle mortality.	$7,500 per power pole with high variability of cost.	High variability in cost and need to retrofit power poles.

TABLE 2—BEST MANAGEMENT PRACTICES COSTS BY INDUSTRY [1]—Continued

NAICS industry	Example of bird mitigation measure	Estimated cost	Why data are not extrapolated to entire industry or small businesses
Wireless Tele-communications Carriers (except Satellite) (NAICS 517312).	• Extinguish non-flashing lights on towers taller than 350′. • Retrofit towers shorter than 350′ with LED flashing lights.	• Industry saves hundreds of dollars per year in electricity costs by extinguishing lights. • Retrofitting with LED lights requires initial cost outlay, which is recouped over time due to lower energy costs and reduced maintenance.	Data not available for number of operators who have implemented these practices.

[1] Sources: FWS personnel, National Oceanic and Atmospheric Administration Revised Seabird Regulations Amendment, *eccnetting.com, statista.com, aerion.com,* FWS Wind Energy Guidelines, FWS Public Records Act data, FWS Eagle Conservation Plan Guidance.

TABLE 3—SUMMARY OF ECONOMIC EFFECTS ON SMALL BUSINESSES

NAICS industry description (NAICS code)	Potential bird mitigation measures under this proposed rule	Economic effects on small businesses	Rationale
Finfish Fishing (11411)	Changes in design of longline fishing hooks, changes in offal management practices, and flagging/streamers on fishing lines.	Likely minimal effects	Seabirds are specifically excluded from the definition of by-catch under the Magnuson-Stevens Fishery Conservation and Management Act and, therefore, seabirds not listed under the ESA may not be covered by any mitigation measures. The impact of this on small entities is unknown.
Crude Petroleum and Natural Gas Extraction (211111).	Using closed waste-water systems or netting of oil pits and ponds.	Likely minimal effects	Thirteen States have regulations governing the treatment of oil pits such as netting or screening of reserve pits, including measures beneficial to birds. In addition, much of the industry is increasingly using closed systems, which do not pose a risk to birds. For these reasons, this proposed rule is unlikely to affect a significant number of small entities.
Drilling Oil and Gas Wells (213111).	Using closed waste-water systems or netting of oil pits and ponds.	Likely minimal effects	Thirteen States have regulations governing the treatment of oil pits, such as netting or screening of reserve pits, including measures beneficial to birds. In addition, much of the industry is increasingly using closed systems, which do not pose a risk to birds. For these reasons, this proposed rule is unlikely to affect a significant number of small entities.
Solar Electric Power Generation (221114).	Monitoring bird use and mortality at facilities, limited use of deterrent systems such as streamers and reflectors.	Likely minimal effects	Bird monitoring in some States may continue to be required under State policies. The number of States and the policy details are unknown.
Wind Electric Power Generation (221115).	Following Wind Energy Guidelines, which involve conducting risk assessments for siting facilities.	Likely minimal effects	Following the Wind Energy Guidelines has become industry best practice and would likely continue. In addition, the industry uses these guidelines to aid in reducing effects on other regulated species like eagles and threatened and endangered bats.
Electric Bulk Power Transmission (221121).	Following Avian Power Line Interaction Committee (APLIC) guidelines.	Likely minimal effects	Industry would likely continue to use APLIC guidelines to reduce outages caused by birds and to reduce the take of eagles, regulated under the Bald and Golden Eagle Protection Act.
Electric Power Distribution (221122).	Following Avian Power Line Interaction Committee (APLIC) guidelines.	Likely minimal effects	Industry would likely continue to use APLIC guidelines to reduce outages caused by birds and to reduce the take of eagles, regulated under the Bald and Golden Eagle Protection Act.
Wireless Tele-communications Carriers (except Satellite) (517312).	Installation of flashing obstruction lighting.	Likely minimal effects	Industry will likely continue to install flashing obstruction lighting to save energy costs and to comply with recent Federal Aviation Administration Lighting Circular and Federal Communication Commission regulations.

While the Service concludes that certification is likely appropriate in this case, and consistent with our analysis of economic impacts under the January 7 rule, we have developed an IRFA out of an abundance of caution to ensure that economic impacts on small entities are fully accounted for in this rulemaking process.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This proposed rule would not ''significantly or uniquely'' affect small government activities. A small government agency plan is not required.

b. This proposed rule would not produce a Federal mandate on local or State government or private entities. Therefore, this proposed action is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings

In accordance with E.O. 12630, this proposed rule does not contain a provision for taking of private property, and would not have significant takings implications. A takings implication assessment is not required.

Federalism

This proposed rule will not create substantial direct effects or compliance costs on State and local governments or preempt State law. Some States may choose not to enact changes in their management efforts and regulatory processes and staffing to develop and or implement State laws governing birds, likely accruing benefits for States. Therefore, this proposed rule would not have sufficient federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132.

Civil Justice Reform

In accordance with E.O. 12988, we determine that this proposed rule will not unduly burden the judicial system

and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. 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.

List of Subjects in 50 CFR Part 10

Exports, Fish, Imports, Law enforcement, Plants, Transportation, Wildlife.

Proposed Regulation Removal

For the reasons described in the preamble, we hereby propose to amend subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below:

PART 10—GENERAL PROVISIONS

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 16 U.S.C. 668a–668d, 703–712, 742a–742j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

■ 2. Remove § 10.14.

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. 2021–09700 Filed 5–6–21; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 86, No. 87
Friday, May 7, 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

May 4, 2021.

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

Comments regarding this information collection received by June 7, 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.

Forest Service

Title: Federal and Non-Federal Financial Assistance Instruments.

OMB Control Number: 0596–0217.

Summary of Collection: In order to carry out specific Forest Service (FS) activities, Congress created several authorities to assist the Agency in carrying out its mission. Authorized by the Federal Grants and Cooperative Agreements Act (FGCAA), the FS issues Federal Financial Assistance awards, (*i.e.,* grants and cooperative agreements). Agency specific authorities and appropriations also support use of Federal Financial Assistance awards. In addition to FFA, Congress created specific authorizations for acts outside the scope of the FGCAA. Appropriations language was developed to convey authority for the Forest Service to enter into relationships that are outside the scope of the FGCAA. Information in this request is collected from individuals; non-profit and for-profit institutions; institutions of higher education and state, local, and Native American tribal governments etc. Multiple options are available for respondents to respond including forms, non-forms, electronically, face-to-face, by telephone and over the internet.

Need and Use of the Information: In addition to Federal Financial Assistance (FFA), Congress created specific authorizations for acts outside the scope of the FGCAA. Appropriations language was developed to convey authority for the Forest Service to enter relationships that are outside the scope of the FGCAA. The Forest Service implements these authorizations using instruments such as collection agreements, FGCAA exempted agreements, memorandums of understanding, and other agreements which mutually benefit participating parties. These instruments fall outside the scope of the Federal Acquisition Regulations (FAR) and often require financial plans and statements of work. Forest Service employees collect information from cooperating parties from the pre-award to the closeout stage via telephone calls, emails, postal mail, and person-to-person meetings to create, develop, and administer these funded and non-funded agreements. The multiple means for respondents to communicate their responses include forms, non-forms, electronic documents, face-to-face, telephone, and internet. The scope of information collected varies; however, it typically includes the project type, project scope, financial plan, statement of work, and cooperator's business information.

The Forest Service would not be able to create, develop, and administer these funded and non-funded agreements without the collected information. The Agency would also be unable to develop or monitor projects, make or receive payments, or identify financial and accounting errors.

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

Number of Respondents: 4,890.

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

Total Burden Hours: 42,445.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–09690 Filed 5–6–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Redistricting Data Program

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of the Redistricting Data Program (RDP) prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed

information collection must be received on or before July 6, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *rdo@census.gov.* Please reference ''Redistricting Data Program (RDP)'' in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0010, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to James Whitehorne, Chief, Redistricting & Voting Rights Data Office, by phone 301–763–4039 or by email *rdo@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau is requesting a three-year clearance to continue the phases of the Redistricting Data Program (RDP). The current three-year RDP clearance and the project specific Office of Management and Budget (OMB) Control Number 0607–0988 will expire in November 2021. The new clearance allows the Census Bureau to provide RDP specific materials, burden hours, and procedures to fifty-two state liaisons to complete Phase 4: Collection of Post 2020 Census Redistricting Data Plans and Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 RDP. RDP is executed under the provisions of Title 13, Section 141(c) of the United States Code (U.S.C.).

Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), ''[t]he officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than 3 years before the decennial census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired.'' ''Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by [her] as expeditiously as possible after the decennial census date and reported to the Governor of the State involved and to the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each other State, shall, in any event, be completed, reported, and transmitted to each respective State within one year after the decennial census date.''

II. Method of Collection

The Census Bureau develops and uses different methods to collect data from program participants. The Census Bureau issued invitations letters by mail (U.S. Postal Service) and follow-up emails to the officers or public bodies having initial responsibility for legislative reapportionment and redistricting. Fifty-two states and state equivalents, including the District of Columbia and the Commonwealth of Puerto Rico, have identified non-partisan liaisons that are already working directly with the Census Bureau on the 2020 Census RDP.

Phase 1: Block Boundary Suggestion Project was conducted and completed in fiscal years 2015 through 2017.

Phase 2: The Voting District Project was conducted and completed in fiscal years 2018 through 2020.

Phase 3: Delivery of the 2020 Decennial Census Redistricting Data was originally scheduled for completion on April 1, 2021. Due to COVID–19-related delays and prioritizing the delivery of the apportionment results, the Census Bureau will deliver the redistricting data to all states and state equivalents as Legacy Format Summary File by August 16, 2021, and with the full redistricting data toolkit for easier access and use of the data by Sept. 30, 2021.

Phase 4: Collection of Post Census Redistricting Data Plans. Between January 2022 and July 2022, the Census Bureau will solicit from each state the newly drawn 118th Congressional Districts and State Legislative Districts. This effort will occur every two years in advance of the 2030 Census in order to update these boundaries with new or changed plans. A verification phase will occur with each update.

Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 Census RDP (2020 post-data collection). As the final phase of the 2020 Census RDP, the Census Bureau will work with the states to conduct a thorough review of the RDP. The intent of this review, and the final report that results, is to provide guidance to the Secretary and the Census Bureau Director in planning the 2030 Census RDP.

III. Data

OMB Control Number: 0607–0988.

Form Number(s): Phase 4 Yes/No Participation Form.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: All fifty states, the District of Columbia, and the Commonwealth of Puerto Rico.

Estimated Number of Respondents: 52.

Estimated Time per Response:

Phase 4: 8 hours.

Phase 5: 2 hours.

Estimated Total Annual Burden Hours: 520 hours.

Phase 4: 416 hours.

Phase 5: 104 hours.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2021–09673 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Report of Building or Zoning Permits Issues for New Privately-Owned Housing Units (Building Permits Survey)

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Report of Building or Zoning Permits Issues for New Privately-Owned Housing Units (Building Permits Survey), prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before July 6, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference the Building Permits Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0013, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Aidan Smith, Construction Indicator Programs, Economic Indicators Division, U.S. Census Bureau, 301–763–2972, *aidan.d.smith@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request a three-year extension of Form C–404, ''Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units'', otherwise known as the Building Permits Survey. The Census Bureau uses this survey to produce statistics to monitor activity in the large and dynamic construction industry. For New Residential Construction (which includes Housing Units Authorized by Building Permits, Housing Starts, and Housing Completions), form C–404 is used to collect the estimate for Housing Units Authorized by Building Permits. For New Residential Construction and Sales, the number of housing units authorized by building permits is a key component utilized in the estimation of housing units started, completed, and sold.

These statistics help state and local governments, the Federal Government, and private industry, analyze the housing and construction industry sector of the economy. Building permits for new private housing units also are a component of The Conference Board's Leading Economic Index.

The Census Bureau uses Form C–404 to collect information on changes to the geographic coverage of permit-issuing places, the number and valuation of new residential housing units authorized by building permits, and additional information on residential permits valued at $2 million or more, including, but not limited to, site address and type of building. The Census Bureau uses these data to estimate the number of housing units started, the number of housing units completed, the number of single-family houses sold, and to select samples for the Census Bureau's demographic surveys. The Building Permits Survey is the only source of statistics on residential construction for states and smaller geographic areas. The Census Bureau uses the detailed geographic data collected from state and local officials on new residential construction authorized by building permits in the development of annual population estimates that are used by government agencies to allocate funding and other resources to local areas. Policymakers, planners, businesses, and others also use the detailed geographic data to monitor growth, plan for local services, and to develop production and marketing plans.

II. Method of Collection

Respondents may submit their data via internet or a mailed or faxed form. Some respondents choose to report over the phone or to send proprietary files containing permit information in lieu of returning the form.

The survey universe is comprised of approximately 19,998 local governments that issue building permits. Due to resource availability and the time required to complete the data review and analysis, the Census Bureau collects data from a selection of permit-issuing jurisdictions monthly, and the remainder of the jurisdictions annually. We collect this information monthly for about 8,385 permit-issuing jurisdictions who respond via internet or who mail or fax the provided form. Another 228 jurisdictions have established reporting arrangements that allow them to submit their responses monthly via proprietary electronic files or mailed printouts using their own file format. We collect this information annually for about 10,509 permit-issuing jurisdictions who respond via internet or who mail or fax the provided form. Another 878 jurisdictions chose to submit their responses to the annual survey via telephone, proprietary electronic files or mailed printouts using their own file format.

III. Data

OMB Control Number: 0607–0094.

Form Number(s): C–404.

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

Affected Public: State and Local governments.

Estimated Number of Respondents: 19,998.

Estimated Time per Response: 8 minutes for monthly respondents who report via internet, mail or faxing the form, 23 minutes for annual respondents who report via internet, mail or faxing the form and 3 minutes

for monthly and annual respondents who report by telephone or send electronic files or printouts.

Estimated Total Annual Burden Hours: 17,625.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

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

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2021–09672 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–889]

Dioctyl Terephthalate From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that LG Chem, Ltd. (LG Chem) made sales of subject merchandise at less than normal value during the August 1, 2019, through July 31, 2020 period of review (POR). Commerce preliminarily determines that Aekyung Petrochemical Co., Ltd. (AKP) had no shipments of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable May 7, 2021.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Patrick Barton, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4243 or (202) 482–0012, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty order on dioctyl terephthalate (DOTP) from the Republic of Korea (Korea), covering two companies: AKP and LG Chem.[1] On January 22, 2021, LG Chem informed Commerce that it would not be participating in the review.[2]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] The Preliminary Decision Memorandum is a public document that 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/.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Scope of the Order

The merchandise covered by this order is DOTP, regardless of form. DOTP that has been blended with other products is included within this scope when such blends include constituent parts that have not been chemically reacted with each other to produce a different product. For such blends, only the DOTP component of the mixture is covered by the scope of this order. Subject merchandise is currently classified under subheading 2917.39.2000 of the Harmonized Tariff Schedule of the United States (HTSUS). Subject merchandise may also enter under subheadings 2917.39.7000 or 3812.20.1000 of the HTSUS. While the HTSUS classifications are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. *See* the Preliminary Decision Memorandum for a full description of the scope of the order.

Preliminary Determination of No Shipments

On November 5, 2020, AKP submitted a letter certifying that it had no exports, sales or entries of subject merchandise into the United States during the POR.[4] U.S. Customs and Border Protection (CBP) provided no information to contradict these claims of no shipments during the POR.[5] Therefore, we preliminarily determine that AKP had no shipments during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to AKP, but rather will complete the review and issue appropriate liquidation instructions to CBP based on the final results.[6] For further discussion,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020).

[2] *See* LG Chem's Letter, ''LG Chem's Decision to Stop Participating in AD Review,'' dated January 22, 2021.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review: Dioctyl Terephthalate from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* AKP's Letter, ''Administrative Review of the Antidumping Order on Dioctyl Terephthalate from Korea for the 2019–20 Review Period—No Shipments Letter,'' dated November 5, 2020.

[5] *See* Memorandum, ''Dioctyl terephthalate from the Republic of Korea (A–580–889),'' dated January 5, 2021.

[6] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater*

Continued

see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Pursuant to section 776(a) of the Act, Commerce is preliminarily relying upon facts otherwise available to determine a weighted-average dumping margin for LG Chem in this review. Commerce preliminarily finds that necessary information is not available on the record, and that LG Chem withheld information requested by Commerce, failed to provide the requested information in the form and manner requested, and significantly impeded the proceeding, warranting a determination on the basis of the facts available under section 776(a) of the Act. Further, Commerce preliminarily determines that LG Chem failed to cooperate to the best of its ability, and thus, Commerce is applying facts available with adverse inferences (AFA) to LG Chem, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of AFA, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period August 1, 2019, through July 31, 2020:

Exporter or producer	Weighted-average dumping margin (percent)
LG Chem, Ltd	47.86

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[7] If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate equal to LG Chem's weighted-average dumping margin in the final results of this review to all entries of subject merchandise during the period of review from LG Chem. For AKP, if we find that AKP had no shipments during the POR, then we will instruct CBP to liquidate any suspended entries associated with AKP pursuant to the reseller policy.[8]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for LG Chem will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this or a previously completed review, or in the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.69 percent, the all-others rate established in the LTFV investigation.[9]

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Normally, Commerce discloses the calculations performed in connection with preliminary results to interested parties within five days after the date of public announcement or publication of this notice.[10] Because Commerce preliminarily applied a rate based on AFA in accordance with section 776 of the Act, to the only respondent with shipments in this review, there are no calculations to disclose.

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[12] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13] Case and rebuttal briefs should be filed using ACCESS.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[15] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[16]

Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.[17]

Notification to Importers

This notice also serves as a preliminary reminder to importers of

Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013, 79 FR 51306, 51307 (August 28, 2014).

[7] *See* section 751(a)(2)(C) of the Act.

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[9] *See Dioctyl Terephthalate from the Republic of Korea: Antidumping Duty Order,* 82 FR 39410 (August 18, 2017).

[10] *See* 19 CFR 351.224(b).

[11] *See* 19 CFR 351.309(c)(1)(ii).

[12] *See* 19 CFR 351.309(d)(1); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] *See* 19 CFR 351.303.

[15] *See* 19 CFR 351.310(c).

[16] *Id.*

[17] *See* section 751(a)(3)(A) of the Act.

their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 3, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Application of Facts Available and Use of Adverse Inferences
VI. Recommendation

[FR Doc. 2021–09716 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a virtual meeting via WebEx on Wednesday May 26, 2021, hosted by the U.S. Department of Commerce. The meeting is open to the public with registration instructions provided below.

DATES: May 26, 2021, from approximately 10:00 a.m. to 3:30 p.m. Eastern Daylight Time EDT. Members of the public wishing to participate must register in advance with Cora Dickson at the contact information below by 5:00 p.m. EDT on Friday, May 21, 2021, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

ADDRESSES: To register, please contact Cora Dickson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: *Cora.Dickson@trade.gov.* Registered participants will be emailed the login information for the meeting, which will be conducted via WebEx.

FOR FURTHER INFORMATION CONTACT: Cora Dickson, Designated Federal Officer, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: *Cora.Dickson@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 5, 2020. The REEEAC provides the Secretary of Commerce with advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information about the REEEAC, including the list of appointed members for this charter, is published online at *http://trade.gov/reeeac.*

On May 26, 2021, the REEEAC will hold the first meeting of its current charter term. The Committee, with officials from the Department of Commerce and other agencies, will discuss major issues affecting the competitiveness of the U.S. renewable energy and energy efficiency industries, determine sub-committee structure, and provide consultation on REEEAC leadership. An agenda will be made available by May 21, 2021 upon request to Cora Dickson.

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the DATE caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact Cora Dickson using the contact information above and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EDT on Friday, May 21, 2021. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Cora Dickson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted via email to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Cora Dickson, Designated Federal Officer, Office of Energy and Environmental Industries, U.S. Department of Commerce; *Cora.Dickson@trade.gov.* To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5:00 p.m. EDT on Friday, May 21, 2021. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2021–09734 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–028]

Hydrofluorocarbon Blends From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, in Part; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on

hydrofluorocarbon (HFC) blends from the People's Republic of China (China). The period of review is August 1, 2019, through July 31, 2020. We are rescinding the review with respect to all companies for which we received a request for administrative review, except for PureMann, Inc (PureMann). Commerce preliminarily finds that the sole remaining company subject to this administrative review, PureMann, is part of the China-wide entity because it did not file a separate rate application (SRA). We invite interested parties to comment on these preliminary results.

DATES: Applicable May 7, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482–2185.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 2016, Commerce published in the **Federal Register** an antidumping duty order on HFC Blends from China.[1] On August 4, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on HFC blends from China.[2] In response, the American HFC coalition and its individual members (the petitioners)[3] requested a review of 15 companies.[4] In addition, SRF Limited (SRF), an Indian producer/exporter of subject merchandise, requested an administrative review of itself.[5] Commerce initiated a review of 15 companies on October 6, 2020.[6] On October 22, 2020, Commerce placed U.S. Customs and Border Protection (CBP) data on the record of this review.[7] We received comments on the CBP data from the petitioners and Daikin America, Inc. (Daikin America).[8] The deadline for companies to submit an SRA or separate rate certification (SRC) was November 5, 2020.[9] No party to this proceeding submitted an SRA or an SRC. The deadline for the preliminary results of this review is May 3, 2021.

Scope of the Order

The products subject to the *Order* are HFC blends. HFC blends covered by the scope are R–404A, a zeotropic mixture consisting of 52 percent 1,1,1-Trifluoroethane, 44 percent Pentafluoroethane, and 4 percent 1,1,1,2-Tetrafluoroethane; R–407A, a zeotropic mixture of 20 percent Difluoromethane, 40 percent Pentafluoroethane, and 40 percent 1,1,1,2-Tetrafluoroethane; R–407C, a zeotropic mixture of 23 percent Difluoromethane, 25 percent Pentafluoroethane, and 52 percent 1,1,1,2-Tetrafluoroethane; R–410A, a zeotropic mixture of 50 percent Difluoromethane and 50 percent Pentafluoroethane; and R–507A, an azeotropic mixture of 50 percent Pentafluoroethane and 50 percent 1,1,1-Trifluoroethane also known as R–507. The foregoing percentages are nominal percentages by weight. Actual percentages of single component refrigerants by weight may vary by plus or minus two percent points from the nominal percentage identified above.[10]

Any blend that includes an HFC component other than R–32, R–125, R–143a, or R–134a is excluded from the scope of the *Order.*

Excluded from the *Order* are blends of refrigerant chemicals that include products other than HFCs, such as blends including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), hydrocarbons (HCs), or hydrofluoroolefins (HFOs).

Also excluded from the *Order* are patented HFC blends, including, but not limited to, ISCEON® blends, including MO99TM (R–438A), MO79 (R–422A), MO59 (R–417A), MO49PlusTM (R–437A) and MO29TM (R–4 22D), Genetron® PerformaxTM LT (R–407F), Choice® R–421A, and Choice® R–421B.

HFC blends covered by the scope of the *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3824.78.0020 and 3824.78.0050. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.[11]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the publication of the notice of initiation of the requested review.'' On November 5, 2020, SRF timely withdrew its request for review of itself.[12] On January 4, 2021, the

[1] *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 47167 (August 4, 2020).

[3] The American HFC Coalition is the following companies: Arkema, Inc.; the Chemours Company FC LLC; Honeywell International Inc.; and Mexichem Fluor Inc.

[4] *See* Petitioners' Letter, ''Hydrofluorocarbon Blends from the People's Republic of China: Request for Administrative Review of Antidumping Order,'' dated August 31, 2020.

[5] *See* SRF's Letter, ''Request for Administrative Review: Hydrofluorocarbon Blends from the People's Republic of China A–570–028,'' dated August 31, 2020.

[6] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 63081 (October 6, 2020) (*Initiation Notice*). We note that Commerce did not initiate an administrative review for one company for which the petitioners requested a review, BMP USA, Inc., because it is a known U.S. importer/blender. *See, e.g., Hydrofluorocarbon Blends from the People's Republic of China: Scope Ruling on Unpatented R–421A; Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order for Unpatented R–421A; and Extension of Time Limit for Final Determination,* 85 FR 12511 (March 3, 2020). Commerce's practice is to only conduct administrative reviews of producers/exporters of subject merchandise, not U.S. importers.

[7] *See* Memorandum, ''Release of Customs Entry Data from U.S. Customs and Border Protection,'' dated October 22, 2020.

[8] *See* Petitioners' Letter, ''Hydrofluorocarbon Blends from the People's Republic of China: Comments on CBP Entry Data Release,'' dated November 5, 2020; and Daikin America's Letter, ''Hydrofluorocarbon Blends from the People's Republic of China: Comments on CBP Data,'' dated November 5, 2020.

[9] SRAs and SRCs were due thirty days from the publication date of the *Initiation Notice.* In this administrative review the deadline was November 5, 2020. *See Initiation Notice,* 85 FR at 63082–83.

[10] R–404A is sold under various trade names, including Forane® 404A, Genetron® 404A, Solkane® 404A, Klea® 404A, and Suva®404A. R–407A is sold under various trade names, including Forane® 407A, Solkane® 407A, Klea®407A, and Suva®407A. R–407C is sold under various trade names, including Forane® 407C, Genetron® 407C, Solkane® 407C, Klea® 407C and Suva® 407C. R–410A is sold under various trade names, including EcoFluor R410, Forane® 410A, Genetron® R410A and AZ–20, Solkane® 410A, Klea® 410A, Suva® 410A, and Puron®. R–507A is sold under various trade names, including Forane® 507, Solkane® 507, Klea®507, Genetron®AZ–50, and Suva®507. R–32 is sold under various trade names, including Solkane®32, Forane®32, and Klea®32. R–125 is sold under various trade names, including Solkane®125, Klea®125, Genetron®125, and Forane®125. R–143a is sold under various trade names, including Solkane®143a, Genetron®143a, and Forane®125.

[11] *See* the *Order.* Certain merchandise has been the subject of affirmative anti-circumvention determinations by Commerce, pursuant to section 781 of the Tariff Act of 1930, as amended (the Act). As a result, the circumventing merchandise is included in the scope of the *Order. See Hydrofluorocarbon Blends from the People's Republic of China: Final Negative Scope Ruling on Gujarat Fluorochemicals Ltd.'s R–410A Blend; Affirmative Final Determination of Circumvention of the Antidumping Duty Order by Indian Blends Containing Chinese Components,* 85 FR 61930 (October 1, 2020); *Hydrofluorocarbon Blends from the People's Republic of China: Final Scope Ruling on Unpatented R–421A; Affirmative Final Determination of Circumvention of the Antidumping Duty Order for Unpatented R–421A,* 85 FR 34416 (June 4, 2020); and *Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R–32/R–125 Blends,* 85 FR 15428 (March 18, 2020).

[12] *See* SRF's Letter, ''Withdrawal of Request for the Administrative Review of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China (A–570–028) (POR: 8/1/19–7/31/20),'' dated November 5, 2020.

petitioners withdrew their request for administrative review for the following companies: Arkema Daikin Advanced Fluorochemicals (Changsu) Co., Ltd.; Daikin Fluorochemicals (China) Co., Ltd.; Dongyang Weihua Refrigerants Co., Ltd.; Jinhua Yonghe Fluorochemical Co., Ltd.; Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.; Shandong Huaan New Material Co., Ltd.; T.T. International Co., Ltd.; Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.; Zhejiang Lantian Environmental Protection Fluoro Material Co. Ltd.; Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd.; Zhejiang Sanmei Chemical Industry Co., Ltd.; Zhejiang Yonghe Refrigerant Co., Ltd.; and Zhejiang Zhonglan Refrigeration Technology Co., Ltd.[13] Because all requests for reviews of these companies were timely withdrawn, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* on HFC blends from China with respect to these companies. The review will continue for the only remaining company for which an administrative review was requested and not withdrawn, PureMann.

Preliminary Results of Review

Commerce considers China to be a non-market economy (NME) country.[14] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for the purposes of these preliminary results.

PureMann, the sole company subject to this review, did not file an SRA. Thus, Commerce preliminary determines that this company has not demonstrated its eligibility for separate rate status. As such, Commerce preliminarily determines that the company subject to this review is part of the China-wide entity. In addition, Commerce no longer considers the NME entity as an exporter conditionally subject to an antidumping duty administrative review.[15] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity. In this administrative review, no party requested a review of the China-wide entity. Moreover, we have not self-initiated a review of the China-wide entity. Because no review of the China-wide entity is being conducted, the China-wide entity's entries are not subject to the review, and the rate applicable to the China-wide entity is not subject to change as a result of this review. The China-wide entity rate is 216.37 percent.[16]

Disclosure and Public Comment

Normally, Commerce discloses the calculations used in its analysis to parties in a review within five days of the date of publication of the notice of preliminary results, in accordance with 19 CFR 351.224(b). However, in this case, there are no calculations on the record to disclose.

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[17] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[18] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19] Case and rebuttal briefs should be filed using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[20] ACCESS is available to registered users at *https://access.trade.gov.*

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.[21] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[22] Parties should confirm by telephone the date, time, and location of the hearing two days before the schedules date.

An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.[23]

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of the administrative review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[24] If Commerce continues to find in the final results that PureMann is part of the China-wide entity, we intend to instruct CBP to liquidate entries containing subject merchandise exported by PureMann at the China-wide entity rate of 216.37 percent. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the companies for which we have rescinded this administrative review, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.202(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For

[13] *See* Petitioners' Letter, ''Hydrofluorocarbon Blends from the People's Republic of China: Withdrawal of Review Request,'' dated January 4, 2021.

[14] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017), and accompanying Preliminary Decision Memorandum at 8, unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018).

[15] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013).

[16] *See Order,* 81 FR at 55438.

[17] *See* 19 CFR 351.309(c).

[18] *See* 19 CFR 351.309(d).

[19] *See* 19 CFR 351.309(c)(2)

[20] *See* 19 CFR 351.303.

[21] *See* 19 CFR 351.310(c)

[22] *See* 19 CFR 351.310(d).

[23] *See* 19 CFR 351.303(b)(1).

[24] *See* 19 CFR 351.212(b)(1).

companies that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese or non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 216.37 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(l) and 777(i)(l) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 3, 2021.

Christian Marsh,

Acting Assistant Secretary, Enforcement and Compliance.

[FR Doc. 2021–09717 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States Investment Advisory Council

AGENCY: SelectUSA, International Trade Administration, Department of Commerce.

ACTION: Notice of an open meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice announces, the United States Investment Advisory Council (Council) will hold a virtual meeting on Wednesday, June 9, 2021.

DATES: Wednesday, June 9, 2021, 12:30–02:00 p.m. EDT. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting is 5:00 p.m. EDT on June 2, 2021. Registration, comments, and any requests should be submitted via email to *IAC@trade.gov.*

ADDRESSES: The meeting will be held virtually due to the current COVID–19 pandemic. Requests to register (including to speak) and any written comments should be submitted to: United States Investment Advisory Council, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 30011, Washington, DC 20230, or emailed to:*IAC@trade.gov.*Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Rachel David, United States Investment Advisory Council, Room 30011, 1401 Constitution Avenue NW, Washington, DC 20230, phone: (202) 302–6858, email: *IAC@trade.gov.*

SUPPLEMENTARY INFORMATION: The United States Investment Advisory Council (Council) was established by the Secretary of Commerce (Secretary) pursuant to duties imposed by *15 U.S.C. 1512* upon the Department and in compliance with the Federal Advisory Start Printed Page 51682Committee Act, as amended, 5 U.S.C. App.

The Council advises the Secretary on matters relating to the promotion and retention of foreign direct investment in the United States. At the meeting, members will provide updates on the work they have done to present in identifying and deliberating on policy priorities regarding the facilitation of foreign direct investment into the United States. These policy priorities include deregulation and the streamlining of processes that affect business investment opportunities across U.S. regions, the facilitation of infrastructure investment, workforce development, and mechanisms to increase investment competitiveness for domestic manufacturing companies, in addition to other topics. The agenda may change to accommodate Council business. The final agenda will be posted on the Department of Commerce website for the Council at:*http://trade.gov/IAC,*at least one week in advance of the meeting.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may be impossible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers.

Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on June 2, 2021, for inclusion in the meeting records and for circulation to the Members of the Council.

In addition, any member of the public may submit pertinent written comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to Rachel David at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on June 2, 2021, to ensure transmission to the Council members prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Comments and statements will be posted on the United States Investment Advisory Council website (*http://trade.gov/IAC*) without change, including any business or personal information provided such as it includes names, addresses, email addresses, or telephone numbers. All comments and statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Bill Burwell,

Deputy Executive Director, SelectUSA.

[FR Doc. 2021–09289 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NOAA Geospatial Metadata

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 29, 2021 (86 FR 7541) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: NOAA Geospatial Metadata tools.

OMB Control Number: 0648–0024.

Form Number(s): None.

Type of Request: Regular submission, revision and extension of a current information collection.

Number of Respondents: 1,430.

Average Hours per Response: 1.75.

Total Annual Burden Hours: 2,590.

Needs and Uses: This request is for revision and extension of a currently approved information collection. The National Oceanic and Atmospheric Administration (NOAA) collects, generates, retains, and redistributes geospatial metadata in a wide array of data formats covering diverse aspects of earth, biological, and space sciences. To fully understand and reuse these data over the course of many years, NOAA provides several metadata documentation tools for various communities of users to enable them to easily create complete, standards-based descriptive information about geospatial data. The following tools, in use or planned for use by NOAA Program offices, are authorized to collect geospatial metadata consistent with Executive Order 12906, NOAA Administrative Order 212–15, and the 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results'. Geospatial metadata collected by the listed tools are 'voluntary' but the ability for data documented by relevant geospatial metadata is significantly degraded if metadata are incomplete, inaccurate or otherwise less than the information collection tool supports.

National Environmental Satellite, Data and Information Service (NESDIS): Send2NCEI web application (currently approved as OMB Control Number: 0648–0024).

National Environmental Satellite, Data and Information Service: Advanced Tracking and Resource tool for Archive Collections (ATRAC) web application.

National Environmental Satellite, Data and Information Service: Collection Metadata Editing Tool (CoMET) web application.

National Marine Fisheries Service (NMFS): InPort metadata authoring tool.

Office of Oceanic and Atmospheric Research (OAR): Science Data Information System (SDIS) metadata and data submission tool.

Collecting geospatial metadata is necessary to fully understand, use, and reuse geospatial data since the metadata provides contextual information about data formats, bounding areas, use and access limitations (if any). Geospatial metadata from this information collection also supports multiple search and discovery catalog services, such as data.gov, NASA Global Change Master Directory (GCMD), and many others.

Information will be collected from data producers (primarily university, private industry, and government-funded scientific researchers) in multiple fields of geosciences, biological and atmospheric sciences, and socio-economic sciences. Geospatial metadata typically includes descriptive information about specific observed, calculated, or modelled data (*e.g.,* title, abstract, purpose statement, descriptive discovery keywords), characteristics of the described data (*e.g.,* date and spatial range of data collection activities, data processing steps, collected/measured variables and units of measure for those variables) and administrative information (*e.g.,* who collected or created data and metadata, how to cite data when used in scientific analyses). Information collected by the listed tools is used to inform the appropriate use of data described by related geospatial metadata.

The existing OMB control number is expanded to include other information collection instruments that collect similar kinds of geospatial metadata but that have different community-based practices or standards that provide for more or less details in the metadata requested. Additionally, the title of the collection is being changed from National Centers for Environmental Information (NCEI) Send2NCEI Web Application to NOAA Geospatial Metadata to reflect the information being collected.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Frequency: As needed for geospatial data documentation purposes.

Respondent's Obligation: Voluntary.

Legal Authority: Executive Order 12906 and the 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results'.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0024.

Sheleen Dumas,

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

[FR Doc. 2021–09674 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; A Coastal Management Needs Assessment and Market Analysis for Financing Resilience

The Department of Commerce will submit the following information collection request to the Office of

Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 28, 2021 (86 FR 7365) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: A Coastal Management Needs Assessment and Market Analysis for Financing Resilience.

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Request: Regular submission [new information collection].

Number of Respondents: 36

Average Hours per Response: 1.5 hours.

Total Annual Burden Hours: 54.

Needs and Uses: NOAA's Office of Coastal Management (OCM) and its regional, state, federal, and non-profit partners have worked closely with coastal managers across the country to increase the resilience of our coastal communities, economies and ecosystems. Per the Coastal Zone Management Act of 1972 (CZMA), OCM provides financial and technical assistance to states and territories, including that which helps its customers (coastal managers) develop hazard mitigation and climate adaptation plans that include strategies for short-term responses to immediate threats (*e.g.,* flooding, hurricanes) as well as long-term responses to gradual changes (*e.g.,* sea level rise, drought). Services are provided through outreach, training, funding, resource, and tool development.

Solutions to these resilience challenges are often complex and cross-sectoral. Therefore, coastal decision-makers regularly point to the need for more substantial, coordinated, sustained and creative funding opportunities to support these efforts. The results of an initial review of more than 200 resources that NOAA conducted in support of this effort, and informal conversations with NOAA customers and other stakeholders indicate that there is no comprehensive inventory or guide to understanding and selecting appropriate funding options or financing strategies. These findings have been further confirmed in subsequent informal discussions with coastal resilience and finance practitioners at national venues such as the National Adaptation Forum in April 2019 and Social Coast Forum in February 2020. NOAA's coastal management partners have requested support on this topic.

The financing world is one that is constantly evolving new products and retiring others. The range of funding and financing options, from grants and low-interest loans to more innovative private-public partnerships and emerging bonds, presents an ever-changing and complex array of choices. In initial internal communications conducted between June and September 2018, NOAA customers indicated that these opportunities and mechanisms are not well understood, and are generally inaccessible to coastal managers, particularly in small to mid-sized communities, rural areas, and tribal communities.

In many coastal communities, investment in mitigation and resilience measures remains either limited or reactive in response to a catastrophic event. While there are no data on the number of adaptation plans that have been implemented, lack of funding is a frequently cited barrier to implementation. At the same time, it has been estimated that investing in mitigation can save communities $6 for every $1 spent through mitigation grants from agencies including the Federal Emergency Management Agency, Department of Housing and Urban Development, and Economic Development Administration (according to the National Institute of Building Sciences' October 2018 report, Natural Hazard Mitigation Saves: Utilities and Transportation Infrastructure). Understanding the suite of funding and financing options available at the time resilience planning is undertaken, and then incorporating financial strategies into the planning process and recommendations, will help ensure that these plans are implemented. Section 310 of the Coastal Zone Management Act allows for technical assistance and management-oriented research to develop and implement state coastal management program amendments.

NOAA is in the process of developing a needs assessment to define the types of funding, financing m mechanisms, and associated resources that its state and local coastal manager customers need for coastal resilience activities and a market analysis of existing funding and financing programs and mechanisms. Simultaneously, NOAA is identifying existing resources and partnership opportunities for state and local coastal managers and NOAA's non-profit, academic, and other customers.

This request is for a set of related interviews to facilitate this research. NOAA will perform interviews with state and local coastal managers, as well as representatives from non-profit organizations, academia, the federal government, and the finance industry. The interviews will collect relevant information from interviewees on their experiences with coastal resilience funding and financing mechanisms, challenges and opportunities related to funding and financing coastal resilience, and technical support needs and opportunities that NOAA can address.

The information provided by interviewees will be synthesized into the needs assessment, which will address needs and information gaps partitioned by region, financial scale, time scale, and scope/sector. The information provided by interviewees will also be used to help inform an inventory of existing entities providing resources for resilience funding, as well as a summary of existing and emerging funding sources and financial tools and mechanisms for coastal resilience. Finally, the interviews will inform recommendations on NOAA's potential niche in addressing the identified needs and gaps.

The resulting research (and any subsequent resources or tools developed by NOAA to address identified gaps) will provide much needed information to NOAA's customers on funding and financing coastal resilience efforts, including available resources and mechanisms, best practices and strategies, real world success stories, and opportunities for technical and financial partnerships with private and public entities.

Affected Public: State and local government, federal government, non-profit organizations, academic institutions, business or other for-profit enterprises.

Frequency: Once.

Respondent's Obligation: Voluntary.

Legal Authority: None.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day

Review—Open for Public Comments'' or by using the search function and entering the title of the collection.

Sheleen Dumas,

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

[FR Doc. 2021–09676 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Solicitation for Applications for Advisory Councils Established Pursuant to the National Marine Sanctuaries Act and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Order

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation.

SUMMARY: Notice is hereby given that ONMS will solicit applications to fill non-governmental seats on its 15 established national marine sanctuary advisory councils and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (advisory councils), under the National Marine Sanctuaries Act and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Order, respectively. Note, the list of 16 established advisory councils in the Contact Information for Each Site section includes the advisory council established for the Proposed Lake Ontario National Marine Sanctuary. Vacant seats, including positions (*i.e.,* primary and alternate), for each of the advisory councils will be advertised differently at each site in accordance with the information provided in this notice. This notice contains web page links and contact information for each site, as well as additional resources on advisory council vacancies and the application process.

DATES: Please visit the individual site web pages, or reach out to a site as identified in this notice's **SUPPLEMENTARY INFORMATION** section, regarding the timing and advertisement of vacant seats, including positions (*i.e.,* primary or alternate), for each of the advisory councils. Applications will only be accepted in response to current, open vacancies and in accordance with the deadlines and instructions included on each site's website.

ADDRESSES: Vacancies and applications are specific to each site's advisory council. As such, questions about a specific council or vacancy, including questions about advisory council applications, should be directed to a site. Contact information for each site is listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: For further information on a particular advisory council or available seats, please contact the site as identified in this notice's **SUPPLEMENTARY INFORMATION** section. For general inquiries related to this notice or ONMS advisory councils established pursuant to the National Marine Sanctuaries Act or Executive Order 13178, contact Katie Denman, Office of National Marine Sanctuaries Policy and Planning Division (*katie.denman@noaa.gov*; 240–533–0702).

SUPPLEMENTARY INFORMATION: Section 315 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1445A) allows the Secretary of Commerce to establish advisory councils to advise and make recommendations regarding the designation and management of national marine sanctuaries. Executive Order 13178 similarly established a Coral Reef Ecosystem Reserve Council pursuant to the NMSA for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. In this Supplementary Information section, NOAA provides details regarding the Office of National Marine Sanctuaries, the role of advisory councils, and contact information for each site.

Office of National Marine Sanctuaries (ONMS)

ONMS serves as the trustee for a network of underwater parks encompassing more than 620,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 14 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. Advisory councils are community-based advisory groups established to provide advice and recommendations to ONMS on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the site. Pursuant to Section 315(a) of the National Marine Sanctuaries Act, 16 U.S.C. 1445A(a), advisory councils are exempt from the requirements of the Federal Advisory Committee Act. Additional information on ONMS and its advisory councils can be found at *http://sanctuaries.noaa.gov.*

Advisory Council Membership

Under Section 315 of the NMSA, advisory council members may be appointed from among: (1) Persons employed by federal or state agencies with expertise in management of natural resources; (2) members of relevant regional fishery management councils; and (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources. For the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council, Section 5(f) of Executive Order 13178 (as amended by Executive Order 13196) specifically identifies member and representative categories.

The charter for each advisory council defines the number and type of seats and positions on the council; however, as a general matter, available seats could include: Conservation, education, research, fishing, whale watching, diving and other recreational activities, boating and shipping, tourism, harbors and ports, maritime business, agriculture, maritime heritage, and citizen-at-large.

For each of the advisory councils, applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lakes resources; and possibly the length of residence in the area affected by the site. Applicants chosen as members or alternates should expect to serve two- or three-year terms, pursuant to the charter of the specific national marine sanctuary advisory council or Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council. More information on advisory council membership and processes, and materials related to the purpose, policies, and operational requirements for advisory councils can be found in the charter for a particular advisory council (*http://*

sanctuaries.noaa.gov/management/ac/council_charters.html) and the *National Marine Sanctuary Advisory Council Implementation Handbook* (*http://sanctuaries.noaa.gov/management/ac/acref.html*).

Contact Information for Each Site

- Channel Islands National Marine Sanctuary Advisory Council: Channel Islands National Marine Sanctuary, University of California, Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106; 805–893–6437; *https://channelislands.noaa.gov/sac/council_news.html.*
- Cordell Bank National Marine Sanctuary Advisory Council: Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950; 415–464–5260; *http://cordellbank.noaa.gov/council/applicants.html.*
- Florida Keys National Marine Sanctuary Advisory Council: Florida Keys National Marine Sanctuary, 33 East Quay Road, Key West, FL 33040; 305–809–4700; *https://floridakeys.noaa.gov/sac/recruitment.html.*
- Flower Garden Banks National Marine Sanctuary Advisory Council: Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Building 216, Galveston, TX 77551; 409–621–5151; *http://flowergarden.noaa.gov/advisorycouncil/recruitment.html.*
- Gray's Reef National Marine Sanctuary Advisory Council: Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411; 912–598–2345; *http://graysreef.noaa.gov/management/sac/council_news.html.*
- Greater Farallones National Marine Sanctuary Advisory Council: Greater Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129; 415–561–6622; *https://farallones.noaa.gov/manage/sac_recruitment.html.*
- Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Hawaiian Islands Humpback Whale National Marine Sanctuary, NOAA Inouye Regional Center, NOS/ONMS/HIHWNMS, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808–879–2818; *https://hawaiihumpbackwhale.noaa.gov/management/advisory/recruitment.html.*
- Mallows Bay—Potomac River National Marine Sanctuary Advisory Council: Mallows Bay—Potomac River National Marine Sanctuary, NOAA Chesapeake Bay Office, 200 Harry S Truman Parkway, Room 460, Annapolis, MD 21401; (240) 460–1978; *https://sanctuaries.noaa.gov/mallows-potomac/involved/recruitment.html.*
- Monitor National Marine Sanctuary Advisory Council: Monitor National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; 757–599–3122; *https://monitor.noaa.gov/advisory/news.html.*
- Monterey Bay National Marine Sanctuary Advisory Council: Monterey Bay National Marine Sanctuary, 99 Pacific Street, Building 455A, Monterey, CA 93940; 831–647–4201; *http://montereybay.noaa.gov/sac/recruit.html.*
- National Marine Sanctuary of American Samoa Advisory Council: National Marine Sanctuary of American Samoa, Tauese P.F. Sunia Ocean Center, P.O. Box 4318, Pago Pago, American Samoa 96799; 684–633–6500; *https://americansamoa.noaa.gov/council/recruitment/.*
- Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: NOAA Inouye Regional Center, NOS/ONMS/PMNM, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808–725–5800; *http://www.papahanaumokuakea.gov/new-about/council/apply/.*
- Olympic Coast National Marine Sanctuary Advisory Council: Olympic Coast National Marine Sanctuary, 115 East Railroad Avenue, Suite 301, Port Angeles, WA 98362; 360–457–6622; *http://olympiccoast.noaa.gov/involved/sac/recruitment.html.*
- Proposed Lake Ontario Sanctuary Advisory Council; NOAA Office of National Marine Sanctuaries, 4840 South State Road, Ann Arbor, MI 48108; 734–741–2270; *https://sanctuaries.noaa.gov/lake-ontario/advisory/members.html.*
- Stellwagen Bank National Marine Sanctuary Advisory Council: Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; 781–545–8026; *http://stellwagen.noaa.gov/management/sac/recruitment.html.*
- Thunder Bay National Marine Sanctuary Advisory Council: Thunder Bay National Marine Sanctuary, 500 West Fletcher Street, Alpena, MI 49707; 989–356–8805; *https://thunderbay.noaa.gov/involved/recruitment.html.*

Paperwork Reduction Act

ONMS has a valid Office of Management and Budget (OMB) control number (0648–0397) for the collection of public information related to the processing of ONMS national marine sanctuary advisory council applications across the National Marine Sanctuary System. Soliciting applications for sanctuary advisory councils fits within the estimated reporting burden under that control number. See *https://www.reginfo.gov/public/do/PRASearch* (Enter Control Number 0648–0397). Therefore, ONMS will not request an update to the reporting burden certified for OMB control number 0648–0397.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to: Office of National Marine Sanctuaries, 1305 East West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), *44 U.S.C. 3501 et seq.,* unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number is #0648–0397.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–09727 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 22, 2020 (85 FR 83517) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: West Coast Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program.

OMB Control Number: 0648–0619.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 153.

Average Hours per Response: For 5 existing observer providers: 2 hours for preparation and submission of the annual observer provider permit renewal application. For 1 new observer provider: 10 hours for observer provider permit application preparation and submission. For 1 observer provider: 4 hours for a written response and submission of an appeal if an observer provider permit is denied. For 45 catch monitors: 1 hour for submission of qualifications to work as a catch monitor. For 5 catch monitors: 4 hours for a written response and submission of an appeal if a catch monitor permit is denied. For 16 vessels in the Mothership or Catcher/Processor fleet, 30 minutes or less for satisfying requirements for use of at-sea scales, including daily testing reports (30 minutes), daily catch and cumulative weight reports (10 minutes), audit trail (1 minute), calibration log (2 minutes), and fault log (3 minutes).

Total Annual Burden Hours: 447 hours.

Needs and Uses: As part of its fishery management responsibilities, the National Marine Fisheries Service (NMFS) collects information to determine the amount and type of catch taken by fishing vessels. This collection supports monitoring requirements including scale test requirements for first receivers in the Pacific Coast groundfish fishery's shorebased individual fishery quota (IFQ) program; and mothership and catcher/processors in the at-sea whiting fisheries. The collection also supports permits for businesses that provide certified observer and certified catch monitor services. The respondents are principally shorebased first receivers, catch monitor and observer service providers, mothership processors, and catcher/processors, which are companies/partnerships.

Affected Public: Business or other for-profit organizations.

Frequency: Reporting on occasion, daily, weekly, or annually.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0619.

Sheleen Dumas,

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

[FR Doc. 2021–09726 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB075]

Meeting of the Marine Fisheries Advisory Committee

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will hear presentations and discuss Administration priorities; the Coronavirus Aid, Relief, and Economic Security (CARES) Act and relief funding; Executive Orders and implications for NOAA; building a resilient seafood and fishing sector including marketing, workforce development, aquaculture, and social indicators of resilience; offshore wind and science; marine mammal deterrents; recreational fisheries engagement and work of the Recreational Electronic Reporting Task Force; and the fiscal year (FY) 2022 budget.

DATES: The meeting will be May 25, 2021 from 12 p.m.–5 p.m., and May 26 and 27, 2021 from 12:30 p.m.–5 p.m., Eastern Time.

ADDRESSES: Meeting is by webinar and teleconference.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett; NOAA Fisheries Office of Policy; (301) 427–8034; email: *Heidi.Lovett@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee.*

Matters To Be Considered

This meeting time and agenda are subject to change. The members will hear presentations and discuss Administration priorities; CARES Act and relief funding; Executive Orders and implications for NOAA; building a resilient seafood and fishing sector including marketing, workforce development, aquaculture, and social indicators of resilience; offshore wind and science; marine mammal deterrents; recreational fisheries engagement and work of the Recreational Electronic Reporting Task Force; and the FY2022 budget. MAFAC will discuss various administrative and organizational matters, and meetings of subcommittees will convene.

Time and Date

The meeting is scheduled for May 25, 2021 from 12 p.m.–5 p.m., and May 26 and 27, 2021 from 12:30 p.m.–5 p.m., Eastern Time by webinar and conference call. Access information for the public will be posted at *https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-meeting-materials-and-summaries* by May 7, 2021.

Dated: May 4, 2021.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2021–09735 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB070]

13th Scientific Advisory Subcommittee to the General Advisory Committee and 28th General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission; Meeting Announcement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a combined public meeting of the 13th Scientific Advisory Subcommittee (SAS) to the General Advisory Committee (GAC), and the 28th GAC to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC). This meeting will be held virtually on Wednesday, May 26, 2021, via webinar, and is expected to be the first of two combined virtual meetings of the SAS and GAC in 2021. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The virtual meeting of the SAS and GAC will be held on Wednesday, May 26, 2021, from 10 a.m. to 1 p.m. PDT (or until business is concluded).

ADDRESSES: Please notify William Stahnke (see **FOR FURTHER INFORMATION CONTACT**) if you plan to attend the webinar. Instructions will be emailed to meeting participants before the meeting occurs.

FOR FURTHER INFORMATION CONTACT: William Stahnke, West Coast Region, NMFS, at *william.stahnke@noaa.gov,* or at (562) 980–4088.

SUPPLEMENTARY INFORMATION: The timing of U.S. SAS and GAC meetings is dependent on when IATTC meetings occur. This year, the IATTC will convene its 12th Meeting of the Scientific Advisory Committee (SAC) on May 10–14, 2021, and the 97th Meeting (Extraordinary) of the IATTC on June 7–10, 2021. Due to this schedule, the combined U.S. SAS and GAC Meeting will be held after the IATTC SAC Meeting and before the 97th IATTC Meeting. This timing allows for scientific topics presented at the IATTC SAC Meeting, including stock status indicators, data collection, fish aggregating devices (FADs), *inter alia,* to be used to inform U.S. positions at the combined U.S. SAS and GAC Meeting. Because the 97th IATTC Meeting is expected to be focused primarily on tropical tuna management measures, gathering stakeholder input regarding tropical tuna will be the primary focus of the combined U.S. SAS and GAC Meeting on May 26, 2021.

It should be noted that the 98th Annual Meeting of the IATTC will be held in August 2021 with additional topics on the agenda. NMFS plans to host a second combined virtual meeting of the SAS and GAC in advance of that meeting, likely in the last week of July 2021.

In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), the U.S. Department of Commerce, in consultation with the Department of State (the State Department), appoints a GAC to the U.S. Section to the IATTC, and a SAS that advises the GAC. The U.S. Section consists of the four U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other U.S. Government agencies, and stakeholders. The GAC advises the U.S. Section with respect to U.S. participation in the work of the IATTC, focusing on the development of U.S. policies, positions, and negotiating tactics. The purpose of the SAS is to advise the GAC on scientific matters. NMFS West Coast Region staff provide administrative support for the SAS and GAC. The meetings of the SAS and GAC are open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the Chairs for the SAS and GAC.

For more information and updates on these upcoming meetings, please visit the IATTC's website: *https://www.iattc.org/MeetingsENG.htm.*

SAS and GAC Meeting Topics

This meeting will also have a streamlined agenda to prepare for the 97th IATTC Meeting that is expected to focus on tropical tuna.

The meeting agenda will include, but is not limited to, the following topics:

(1) Outcomes of the most recent IATTC stock status indicators and updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean;

(2) Evaluation of the IATTC Staff's Recommendations to the Commission for 2021;

(3) Discussion of tropical tuna management measures and administrative topics;

(4) Recommendations and evaluations by the SAS and GAC; and

(5) Other issues as they arise.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to William Stahnke (see **FOR FURTHER INFORMATION CONTACT**).

Authority: 16 U.S.C. 951 *et seq.*

Dated: May 4, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–09689 Filed 5–6–21; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes service(s) to the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* June 06, 2021

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 4/2/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following service(s) are deleted from the Procurement List:

Service(s)

Service Type: Janitorial Services
Mandatory for: FAA, Federal Facilities Building, Cleveland-Hopkins International Airport, 5300 Riverside Drive, Cleveland, OH
Designated Source of Supply: Murray Ridge Production Center, Inc., Elyria, OH
Contracting Activity: Federal Aviation Administration, 697DCK Regional Acquisitions SVCS

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–09667 Filed 5–6–21; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: June 06, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. The following product(s) and service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
MR 16400—Sunglasses, Women's Fashion
MR 16401—Sunglasses, Women's Aviator
MR 16402—Sunglasses, Polarized Assorted
MR 16403—Sunglasses, Metal Assorted
MR 16404—Sunglasses, Sport Assorted
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Mandatory For: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4
Contracting Activity: Military Resale-Defense Commissary Agency
Distribution: C-List

Service(s)

Service Type: Mailroom, Courier, and Copy Center Service
Mandatory for: Consumer Financial Protection Bureau, Washington, DC
Designated Source of Supply: NewView Oklahoma, Inc., Oklahoma City, OK
Contracting Activity: Consumer Financial Protection Bureau, Consumer Finance Protection Bureau

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): MR 1165—Cloth, Dish, Terry Looped
Designated Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: Military Resale-Defense Commissary Agency

NSN(s)—Product Name(s): 6230–01–641–0755—Flashlight, Tactical-Style, LED, 2 AAA, 6″ Long
Mandatory Source of Supply: Central Association for the Blind & Visually Impaired, Utica, NY
Contracting Activity: DLA Troop Support, Philadelphia, PA

Service(s)

Service Type: Custodial Services
Mandatory for: Social Security Administration Building: Plaza Sierra Cayey, Building PR3871ZZ, Cayey, PR
Designated Source of Supply: The Corporate Source, Inc., Garden City, NY
Contracting Activity: Public Buildings Service, PBS R2

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2021–09666 Filed 5–6–21; 8:45 am]

BILLING CODE 6353–01–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

Notice of Public Hearing

AGENCY: U.S. International Development Finance Corporation.

ACTION: Announcement of public hearing.

SUMMARY: The Board of Directors of the U.S. International Development Finance Corporation (''DFC'') will hold a public hearing on June 9, 2021. This hearing will afford an opportunity for any person to present views in accordance with the BUILD Act of 2018. Those wishing to present at the hearing must provide advance notice to the agency as detailed below.

DATES: Public hearing: 2:00 p.m., Wednesday, June 9, 2021.

Deadline for notifying agency of an intent to attend or present at the public hearing: 5:00 p.m., Wednesday, June 2, 2021.

Deadline for submitting a written statement: 5:00 p.m., Wednesday, June 2, 2021.

ADDRESSES: Public hearing: Virtual; Access information provided at the time of attendance registration.

You may send notices of intent to attend, present, or submit a written statement to Catherine F.I. Andrade, DFC Corporate Secretary, via email at *candrade@dfc.gov.*

Instructions: A notice of intent to attend the public hearing or to present at the public hearing must include the individual's name, title, organization, address, email, telephone number, and a concise summary of the subject matter to be presented. Oral presentations may not exceed five (5) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard. Submission of written statements must include the individual's name, title, organization, address, email, and telephone number. The statement must be typewritten, double-spaced, and may not exceed ten (10) pages.

FOR FURTHER INFORMATION CONTACT: Catherine F.I. Andrade, DFC Corporate Secretary, (202) 336–8768, or *candrade@dfc.gov.*

SUPPLEMENTARY INFORMATION: The public hearing will take place via video- and teleconference. Upon registering, participants and observers will be provided instructions on accessing the hearing. DFC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the time of the hearing.

Authority: 22 U.S.C. 9613(c).

Catherine F.I. Andrade,

DFC Corporate Secretary.

[FR Doc. 2021–09640 Filed 5–6–21; 8:45 am]

BILLING CODE 3210–02–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2021–HQ–0008]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Forensics and Biometrics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Forensics and Biometrics Agency, 251 18th Street Suite 244A, Arlington, VA 22202, ATTN: Mr. Russell Wilson, or call (703) 571–0388.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Biometric Identification Records System; OMB Control Number 0702–0127.

Needs and Uses: The DoD Automated Biometric Identification System (ABIS) is an authoritative biometrics data repository that processes, matches, and stores biometric identity information data, collected by global U.S. forces, during the course of military operations. Biometric data may also be collected for use in field identification and recovery of persons, or their physical remains, who have been captured, detained, missing, prisoners of war (POW), or personnel recovered from hostile control. The information processed by DoD ABIS (biometric, biographic, behavioral, and contextual data) is collected by DoD military personnel worldwide using hand-held biometric collection devices across the full range of military operations for DoD warfighting, intelligence, law enforcement, security, force protection, base access, homeland defense, counterterrorism, business enterprise purposes, and also in information environment mission areas. It also includes biometric data from individuals collected from interagency or foreign partners' data repositories.

Affected Public: Individuals or households.

Annual Burden Hours: 201,872.917.

Number of Respondents: 2,422,475.

Responses per Respondent: 1.

Annual Responses: 2,422,475.

Average Burden per Response: 5 minutes.

Frequency: As Required.

The information collected and processed by DoD ABIS is shared, accessed, and leveraged by DoD partners, U.S. Government inter-agency agency and departmental stakeholders, and approved multi-national partners, such as the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS), and Office of the Director of National Intelligence (ODNI) for intelligence, counterterrorism, military force protection, national security, and law enforcement purposes. DoD provides collected and processed information to the FBI/Terrorist Screening Center (TSC) to place individuals on National Watchlists. Required biometric fields for every record include: Name, ten (10) fingerprints, and two (2) iris scans. All other data fields in DoD ABIS, such as Social Security Number (SSN), are optional and vary based on each record and situation.

Dated: May 3, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–09741 Filed 5–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2021–0009; OMB Control Number 0704–0187]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Information Collection in Support of the DoD Acquisition Process (Various Miscellaneous Requirements)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed revision and extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed revision and extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through August 31, 2021. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by July 6, 2021.

ADDRESSES: You may submit comments, identified by OMB Control Number

0704–0187, using any of the following methods:

○ *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0187 in the subject line of the message.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Kimberly Ziegler, OUSD(A&S)DPC/DARS, 3060 Defense Pentagon, Room 3B938, Washington, DC 20301–3060.

Comments received generally will be posted without change to *https://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Ziegler, 571–372–6095.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Information Collection in Support of the DoD Acquisition Process (Various Miscellaneous Requirements) OMB Control Number 0704–0187.

Type of Request: Revision and extension.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Number of Respondents: 450.

Responses per Respondent: 1.29.

Annual Responses: 582.

Hours per Response: 1.74, approximately.

Annual Burden Hours: 1,010.

Reporting Frequency: On occasion.

Needs and Uses: This information collection requirement pertains to information required in DFARS parts 208, 209, 235, and associated solicitation provision and contract clauses in part 252 that offerors and contractors must submit to DoD in response to a request for proposals or an invitation for bids or a contract requirement. DoD uses this information to—

• Determine whether to provide precious metals as Government-furnished material;

• Determine whether a foreign government owns or controls the offeror to prevent access to proscribed information;

• Determine whether there is a compelling reason for a contractor to enter into a subcontract in excess of $35,000 with a firm, or subsidiary of a firm, that is identified in the System for Award Management Exclusions as ineligible for award of Defense subcontracts because it is owned or controlled by the government of a country that is a state sponsor of terrorism;

• Evaluate claims of indemnification for losses or damages occurring under a research and development contract; and

• Keep track of radio frequencies on electronic equipment under research and development contracts so that the user does not override or interfere with the use of that frequency by another user.

Jennifer D. Johnson,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2021–09653 Filed 5–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of the Final Environmental Impact Statement for the Long Range Discrimination Radar Operations at Clear Air Force Station, Alaska

AGENCY: Missile Defense Agency, Department of Defense (DoD).

ACTION: Notice of availability.

SUMMARY: The Missile Defense Agency (MDA), as the lead agency, announces the availability of the Final Environmental Impact Statement (EIS) for the Long Range Discrimination Radar (LRDR) located at Clear Air Force Station (CAFS), Alaska. The Federal Aviation Administration (FAA) and the Department of the Air Force (DAF) are cooperating agencies to this Final EIS.

DATES: MDA will not issue a final decision on the proposed action for a minimum of 30 days after the date that the United States Environmental Protection Agency (USEPA) publishes its Notice of Availability (NOA) in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Keith, MDA Public Affairs, at 256–450–1599 or by email: *lrdr.info@mda.mil.* The Final EIS for the Long Range Discrimination Radar Operations at Clear Air Force Station, Alaska is available online at the MDA's website at: *https://www.mda.mil/system/lrdr.*

SUPPLEMENTARY INFORMATION: The Department of Defense's NOA (85 FR 68314) for the Draft EIS was published in the **Federal Register** on October 28, 2020, and the USEPA's NOA (ER–FRL–9053–6) for the Draft EIS was published in the **Federal Register** on October 30, 2020, which provided notice that the Draft EIS was available for comment from October 30, 2020 to December 21, 2020.

MDA hosted a telephone public meeting, December 2, 2020, and an online open house to share information about the proposed action and alternatives and allow the public to provide comments and ask questions. Additionally, the public was able to submit comments by facsimile, postal mail, or via a project email address. MDA received comments on the Draft EIS from ten individuals or organizations, one of which commented twice. Commenters requested changes to the proposed Restricted Areas, more information about communication methods if Restricted Areas are activated at unscheduled times, and mitigation for climate change and air quality. Comments on the Draft EIS were considered and incorporated as appropriate into the Final EIS. Comments resulted in the addition of clarifying text and an update to the impacts to airspace based on information presented during the FAA Safety Risk Management Panel's analysis. However, these changes did not significantly change the alternatives or analysis presented in the EIS.

Background: In response to the Congressional mandate to deploy the LRDR, MDA completed a siting analysis for the LRDR, which selected CAFS out of 50 candidate Department of Defense installations in Alaska. In June 2016, MDA and DAF prepared an Environmental Assessment (EA), to evaluate the potential environmental impacts associated with the construction and operation of the LRDR at CAFS. The 2016 EA resulted in a Finding of No Significant Impact, and construction of the LRDR began in July 2017.

Since that time, due to emerging threats, MDA proposes to modify the LRDR operational requirements and procedures to reflect continuous operations. Due to the proposed changes to LRDR operations, airspace restrictions at CAFS are necessary to ensure that aircraft would not encounter high intensity radiation fields (HIRF) resulting from the LRDR operations that exceed FAA's HIRF certification standards for aircraft electrical and electronic systems. The proposed airspace restrictions include expanding the existing Restricted Area (R–2206) at CAFS by adding six new Restricted Areas. The preferred alternative is to operate the LRDR continuously under the changed operational concept and to implement the associated proposed airspace restrictions as described in the Proposed Action analyzed in the Final EIS.

The EIS also analyzes the No Action Alternative. Under the No Action Alternative, the LRDR would be operated in a manner that would

contain HIRF within existing R–2206 such that no new actions would need to be taken to limit aircraft flight. The Final EIS analyzes the environmental effects of the Proposed Action and No Action Alternative in the following environmental resource areas: Airspace management; air quality; biological resources; climate; hazardous materials; solid waste and pollution prevention; historical, architectural, archaeological, and cultural resources; land use; natural resources and energy supply; noise and compatible land use; safety; socioeconomics and environmental justice; subsistence; visual effects; and water resources. The Final EIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; DAF Environmental Impact Analysis Process; and FAA's NEPA Policies and Procedures.

Dated: May 4, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–09701 Filed 5–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0034]

Submission for OMB Review; Comment Request

AGENCY: Defense Media Activity (DMA), Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice DoD is submitting an Information Collection Request to the Office of Management and Budget (OMB) to collect information on active duty military members, DoD civilians, and contractors, inform COVID–19 vaccine status and return to in-person work. DoD requests emergency processing and OMB authorization to collect the information.

DATES: Comments must be received by May 17, 2021.

ADDRESSES: The Department has requested emergency processing from OMB for this information collection request by 10 days after publication of this notice. Interested parties can access the supporting materials and collection instrument as well as submit comments and recommendations to OMB at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 10-day Review—Open for Public Comments'' or by using the search function.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION: The results of the DMA COVID–19 Vaccine Survey will provide DMA leadership with an understanding of the proportion of the workforce that is vaccinated, or does not wish to be vaccinated, and support responses to data calls. This will assist with DMA's development of strategies for returning to in-person work. This exemption will allow the survey to be fielded as soon as possible so the results can inform imminent planning and provide responses to data calls.

Title; Associated Form; and OMB Number: DMA COVID–19 Vaccine Census; 0704–DCVC.

Type of Request: New.

Number of Respondents: 2,000.

Responses per Respondent: 1.

Annual Responses: 2,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 167.

Affected Public: Individuals or Households.

Frequency: Once.

Respondent's Obligation: Voluntary.

Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information collected has practical utility; (2) the accuracy of DoD's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Dated: May 3, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–09706 Filed 5–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2021–OS–0035]

Proposed Collection; Comment Request

AGENCY: The Under Secretary of Defense for Intelligence, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Counterintelligence and Security Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 6, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: The DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this

proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Counterintelligence and Security Agency, 27130 Telegraph Rd., Quantico, VA 22134, ATTN: Ms. Donna McLeod, or call 443–698–8248.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: General Request for Investigative Information (INV 40), Employment Data and Supervisor Information (INV 41), Personal Information (INV 42), Educational Registrar and Dean of Students Record Data (INV 43), Law Enforcement Data (INV 44); INV Forms 40–44; OMB Control Number 0705–0003.

Needs and Uses: The information collected on the INV Forms 40–44 is used for Federal and Federal contract employment. The forms are used to collect information from a multitude of record sources to support federal background investigation and personnel vetting processes such as: investigations and determinations of eligibility for access to classified national security information, and for access to special access programs; suitability for federal employment; fitness of contractor personnel to perform work for or on behalf of the U.S. Government; and Homeland Security Presidential Directive (HSPD)-12 determinations for Personal Identity Verification (PIV) credentials to gain logical or physical access to government facilities and systems. The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 CFR 736.102(c). These notice requirements apply to any ''investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas.'' None of the forms are used for any purpose other than a personnel background investigation, as described above.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit Institutions; State, Local or Tribal Government.

Annual Burden Hours: 215,935.75.

Number of Respondents: 2,591,229.

Responses per Respondent: 1.

Annual Responses: 2,591,229.

Average Burden per Response: 5 minutes.

Frequency: As Required.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. The INV forms are distributed to the provided source contacts identified on the standard form questionnaire through an automated mailing operation. The forms disclose that the source's contact information was provided by the subject to assist in completing a background investigation regarding the subject's eligibility for employment or security clearance, and request that the source complete the form to help in this determination. The INV form is completed, hardcopy, by the noted source; then returned, in a self-addressed envelope, to the DCSA investigations processing center. The completed forms are maintained by DCSA subject to the provisions of the Privacy Act of 1974, as amended, and the DUSDI–02 Personnel Vetting Records System SORN.

Dated: May 3, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–09749 Filed 5–6–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0070]

Agency Information Collection Activities; Comment Request; Performance Report for Graduate Assistance in Areas of National Need (GAANN) Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before July 6, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0070. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Ell, 202–453–6348.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Performance report for Graduate Assistance in Areas of National Need (GAANN) Program.

OMB Control Number: 1840–0748.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 291.

Total Estimated Number of Annual Burden Hours: 3,274.

Abstract: GAANN grantees must submit a performance report annually. In addition, grantees are required to submit a supplement to the final performance report two years after submission of their final report. The reports are used to evaluate grantee performance. Further, the data from the reports will be aggregated to evaluate the accomplishments and impact of the GAANN Program as a whole. Results will be reported to the Secretary in order to respond to GPRA requirements.

Dated: May 4, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–09730 Filed 5–6–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–ED–2021–SCC–0069]

Agency Information Collection Activities; Comment Request; Income Driven Repayment Plan Request for the William D. Ford Federal Direct Loans and Federal Family Education Loan Programs

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before July 6, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0069. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Income Driven Repayment Plan Request for the William D. Ford Federal Direct Loans and Federal Family Education Loan Programs.

OMB Control Number: 1845–0102.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 6,090,000.

Total Estimated Number of Annual Burden Hours: 2,009,700.

Abstract: The Department is requesting an extension of the current information collection. The Department files this request with the same total annual number of respondents for this renewal collection as was used in the prior filing. Due to the effects of the COVID–19 pandemic and the suspension of the collection of loans, the Department lacks sufficient data to allow for more accurate updates to the usage of these forms. There has been no change in the underlying statutes or regulations which support these request forms.

Dated: May 3, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–09659 Filed 5–6–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0031]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Campus Safety and Security Survey

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before June 7, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sophia McArdle, 202–453–6318.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Campus Safety and Security Survey.

OMB Control Number: 1840–0833.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 6,000.

Total Estimated Number of Annual Burden Hours: 2,499.

Abstract: The collection of information through the Campus Safety and Security Survey is necessary under section 485 of the Higher Education Act of 1965, as amended, with the goal of increasing transparency surrounding college safety and security information for students, prospective students, parents, employees and the general public. The survey is a collection tool to compile the annual data on campus crime and fire safety. The data collected from the individual institutions by ED is made available to the public through the Campus Safety and Security Data Analysis and Cutting Tool as well as the College Navigator.

Dated: May 4, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–09698 Filed 5–6–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Case Number 2020–014; EERE–2020–BT–WAV–0028]

Energy Conservation Program: Decision and Order Granting a Waiver to KeepRite Refrigeration 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 2020–014) that grants to KeepRite Refrigeration (''KeepRite'') a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified carbon dioxide (''CO2'') direct expansion unit coolers. Under the Decision and Order, KeepRite is required to test and rate the specified basic models of its CO2 direct expansion unit coolers in accordance with the alternate test procedure set forth in the Decision and Order.

DATES: The Decision and Order is effective on May 7, 2021. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in refrigeration systems 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, KeepRite must use the relevant test procedure for these CO2 direct expansion unit coolers 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 § 431.401(f)(2) of title 10 of the Code of Federal Regulations (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 KeepRite a waiver from the applicable test procedure at 10 CFR part 431, subpart R, appendix C for specified basic models of CO2 direct expansion unit coolers, and provides that KeepRite must test and rate such CO2 direct expansion unit coolers using the alternate test procedure specified in the Decision and Order. KeepRite's 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 this equipment. (42 U.S.C. 6314(d))

Manufacturers not currently distributing such products/equipment in commerce in the United States that employ a technology or characteristic that results in the same need for a waiver from the applicable test procedure must petition for and be granted a waiver prior to the distribution in commerce of CO2 direct expansion unit coolers in the United States. 10 CFR 431.401(j). Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 431.401.

Case #2020–014

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 energy

[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.

efficiency for certain types of industrial equipment. This equipment includes walk-in cooler and walk-in freezer (collectively, ''walk-ins'') refrigeration systems, 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 covered 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 for walk-in refrigeration systems 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. KeepRite's Petition for Waiver: Assertions and Determinations

By letter docketed on August 11, 2020, KeepRite filed a petition for waiver and a petition for interim waiver from the DOE test procedure applicable to CO2 direct expansion unit coolers set forth in Appendix C. (KeepRite, No. 1 at p. 1 [3]) KeepRite claimed that the test conditions described in Table 15 and Table 16 of the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') Standard 1250–2009, Standard for Performance Rating of Walk-In Coolers and Freezers (''AHRI 1250–2009'') (for walk-in refrigerator unit coolers and freezer unit coolers tested alone), as incorporated by Appendix C with modification, cannot be achieved by the specified basic models and are not consistent with the operation of KeepRite's CO2 direct expansion unit coolers. (KeepRite, No. 1 at p. 2) KeepRite asserted that the test conditions are not achievable, since CO2 refrigerant has a critical temperature of 87.8 °F [4] and the current DOE test procedure requires a liquid inlet saturation temperature of 105 °F and liquid inlet subcooling of 9 °F. *Id.* KeepRite suggested that the test conditions should be more consistent with typical operating conditions for a transcritical CO2 booster system. *Id.*

KeepRite's suggested test procedure specified using modified liquid inlet saturation and liquid inlet subcooling temperatures of 38 °F and 5 °F, respectively, for both walk-in refrigerator unit coolers and walk-in freezer unit coolers. (KeepRite, No. 1 at pp. 4–5). Additionally, KeepRite suggested that because the subject units are used in transcritical CO2 booster systems, the calculations in AHRI 1250–2009, section 7.9 should be used to determine the annual walk-in energy factor (''AWEF'') and net capacity for unit coolers matched to parallel rack systems, as required under the DOE test procedure. (KeepRite, No. 1 at p. 4) This section of AHRI 1250–2009 is prescribed by the DOE test procedure for determining AWEF for all unit coolers tested alone (Appendix C, section 3.3.1). Finally, KeepRite also suggested that AHRI 1250–2009, Table 17, EER for Remote Commercial Refrigerated Display Merchandisers and Storage Cabinets, should be used to determine power consumption of CO2 direct expansion unit cooler systems, as required under the DOE test procedure. (Keeprite, No. 1 at p. 4)

On March 3, 2021, DOE published a notification that announced its receipt of the petition for waiver and granted KeepRite an interim waiver. 86 FR 12433 (''Notification of Petition for Waiver''). In the Notification of Petition for Waiver, DOE acknowledged the difference in critical pressure and temperature between traditional refrigerants (such as R404A) and CO2 as used in KeepRite's direct expansion unit coolers. 86 FR 12433, 12436. DOE also noted that the transcritical nature of CO2 generally requires a more complex refrigeration cycle design to approach the efficiency of traditional refrigerant cycles during operation in high temperature conditions. *Id.*

In the Notification of Petition for Waiver, DOE also solicited comments from interested parties on all aspects of the petition and the specified alternate test procedure. 86 FR 12433. DOE received no substantive comments [5] in response to the Notification of Petition for Waiver.

For the reasons explained here and in the Notification of Petition for Waiver, absent a waiver, the basic models

[3] A notation in the form ''KeepRite, No. 1'' identifies a written submission: (1) Made by KeepRite; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE–2020–BT–WAV–0028) and available at *http://www.regulations.gov.*

[4] The test procedure specifies the unit cooler refrigerant inlet condition in terms of a saturation temperature (the temperature at which it completes the condensation process in a condenser) and the subcooling temperature (additional reduction in temperature lower than the specified saturation temperature). For CO2, the critical temperature above which there cannot exist separate liquid and gas phases is below the saturation condition specified in the test procedure—hence, the specified condition cannot be achieved.

[5] One comment was received, but it contained no content. The comment stated only the docket number for the notification of petition for waiver and grant of an interim waiver.

identified by KeepRite in its petition cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the procedure suggested by KeepRite and concludes that it will allow for the accurate measurement of the energy use of the CO2 direct expansion unit coolers, while alleviating the testing issues associated with KeepRite's implementation of DOE's applicable walk-in refrigeration system test procedure for the specified basic models.

Thus, DOE is requiring that KeepRite test and rate specified CO2 direct expansion unit cooler basic models according to the alternate test procedure specified in this Decision and Order, which is identical to the procedure provided in the interim waiver.

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. KeepRite 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). KeepRite 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, KeepRite 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).

III. Order

After careful consideration of all the material that was submitted by KeepRite, KeepRite's consumer-facing materials, including websites and product specification sheets for the basic models listed in KeepRite's petition, as well as other industry information pertaining to the subject basic models listed by KeepRite, it is *ordered* that:

(1) KeepRite must, as of the date of publication of this Order in the **Federal Register,** test and rate the following CO2 direct expansion unit cooler basic models with the alternate test procedure as set forth in paragraph (2):

KeepRite/Trenton/Bally Branded Basic Models on Which the Waiver and Interim Waiver Is Being Requested

LP104C-**D*	*LP104D*-**D*	*LP103F*-**D*
LP106C-**D*	*LP105D*-**D*	*LP104F*-**D*
LP107C-**D*	*LP106D*-**D*	*LP106F*-**D*
LP209C-**D*	*LP207D*-**D*	*LP207F*-**D*
LP211C-**D*	*LP209D*-**D*	*LP208F*-**D*
LP214C-**D*	*LP211D*-**D*	*LP211F*-**D*
LP317C-**D*	*LP314D*-**D*	*LP313F*-**D*
LP320C-**D*	*LP316D*-**D*	*LP316F*-**D*
LP422C-**D*	*LP418D*-**D*	*LP418F*-**D*
LP427C-**D*	*LP421D*-**D*	*LP421F*-**D*
LP534C-**D*	*LP526D*-**D*	*LP524F*-**D*
LP640C-**D*	*LP631D*-**D*	*LP627F*-**D*
MP120C-**D*	*MP116L*-**D*	*MP113F*-**D*
MP124C-**D*	*MP120L*-**D*	*MP117F*-**D*
MP232C-**D*	*MP224L*-**D*	*MP221F*-**D*
MP240C-**D*	*MP233L*-**D*	*MP226F*-**D*
MP248C-**D*	*MP239L*-**D*	*MP234F*-**D*
MP360C-**D*	*MP347L*-**D*	*MP338F*-**D*
MP372C-**D*	*MP355L*-**D*	*MP349F*-**D*
MP486C-**D*	*MP470L*-**D*	*MP457F*-**D*
MP495C-**D*		
TM215C-**D*	*TM204D*-**D*	*LV106C*-**D*
TM318C-**D*	*TM206D*-**D*	*LV109C*-**D*
TM321C-**D*	*TM209D*-**D*	*LV212C*-**D*
TM426C-**D*	*TM212D*-**D*	*LV217C*-**D*
TM531C-**D*	*TM315D*-**D*	*LV325C*-**D*
TM215C-**D*	*TM318D*-**D*	*LV331C*-**D*
TM318C-**D*	*TM422D*-**D*	*LV437C*-**D*
TM321C-**D*	*TM526D*-**D*	*LV441C*-**D*
TM426C-**D*		*LV546C*-**D*
TM531C-**D*		

(2) The alternate test procedure for the KeepRite basic models listed in paragraph (1) of this Order is the test procedure for walk-in refrigeration systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C (''Appendix C''), except that the liquid inlet saturation temperature test condition and liquid inlet subcooling temperature test condition shall be modified to 38 °F and 5 °F, respectively, for both walk-in refrigerator unit coolers and walk-in freezer unit coolers, as detailed below. All other requirements of Appendix C and DOE's other relevant regulations remain applicable.

In Appendix C, under section 3.1. *General modifications: Test Conditions and Tolerances,* revise section 3.1.5., to read as follows:

3.1.5. Tables 15 and 16 shall be modified to read as follows:

TABLE 15—REFRIGERATOR UNIT COOLER

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, %	Saturated suction temp, °F	Liquid inlet saturation temp, °F	Liquid inlet subcooling temp, °F	Compressor capacity	Test objective
Off Cycle Fan Power	35	<50				Compressor Off	Measure fan input power during compressor off cycle.
Refrigeration Capacity Suction A	35	<50	25	38	5	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler.

Note: Superheat to be set according to equipment specification in equipment or installation manual. If no superheat specification is given, a default superheat value of 6.5 °F shall be used. The superheat setting used in the test shall be reported as part of the standard rating.

TABLE 16—FREEZER UNIT COOLER

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, %	Saturated suction temp, °F	Liquid inlet saturation temp, °F	Liquid inlet subcooling temp, °F	Compressor capacity	Test objective
Off Cycle Fan Power	−10	<50				Compressor Off	Measure fan input power during compressor off cycle.
Refrigeration Capacity Suction A	−10	<50	−20	38	5	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler.
Defrost	−10	Various				Compressor Off	Test according to Appendix C Section C11.

Note: Superheat to be set according to equipment specification in equipment or installation manual. If no superheat specification is given, a default superheat value of 6.5 °F shall be used. The superheat setting used in the test shall be reported as part of the standard rating.

(3) *Representations.* KeepRite may not make representations about the energy efficiency of a basic model listed in paragraph (1) of this Order for compliance or marketing, 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) DOE issues this waiver on the condition that the statements, representations, and information provided by KeepRite are valid. If KeepRite makes any modifications to the controls or configurations of these basic models, such modifications will render the waiver invalid with respect to that basic model, and KeepRite 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, KeepRite may request that DOE rescind or modify the waiver if KeepRite 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) KeepRite 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. KeepRite Refrigeration may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of CO2 direct expansion unit coolers. Alternatively, if appropriate, KeepRite Refrigeration 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 May 2, 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 May 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–09702 Filed 5–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Case Number 2020–010; EERE–2020–BT–WAV–0026]

Energy Conservation Program: Decision and Order Granting a Waiver to Hussmann Corporation 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 2020–010) that grants to Hussmann Corporation (''Hussmann'') a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified carbon dioxide (''CO2'') direct expansion unit coolers. Under the Decision and Order, Hussmann is required to test and rate the specified basic models of its CO2 direct expansion unit coolers in accordance with the alternate test procedure set forth in the Decision and Order.

DATES: The Decision and Order is effective on May 7, 2021. The Decision

and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in refrigeration systems 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, Hussmann must use the relevant test procedure for these CO2 direct expansion unit coolers 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 (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 Hussmann a waiver from the applicable test procedure at 10 CFR part 431, subpart R, appendix C for specified basic models of CO2 direct expansion unit coolers, and provides that Hussmann must test and rate such CO2 direct expansion unit coolers using the alternate test procedure specified in the Decision and Order. Hussmann's 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 this equipment. (42 U.S.C. 6314(d))

Manufacturers not currently distributing products/equipment in commerce in the United States that employ a technology or characteristic that results in the same need for a waiver from the applicable test procedure must petition for and be granted a waiver prior to the distribution in commerce of CO2 direct expansion unit coolers in the United States. 10 CFR 431.401(j). Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 431.401.

Case #2020–010

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 energy efficiency for certain types of industrial equipment. This equipment includes walk-in cooler and walk-in freezer (collectively, ''walk-in'') refrigeration systems, 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 equipment. 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 covered 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 for walk-in refrigeration systems 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. Hussmann's Petition for Waiver: Assertions and Determinations

By letter dated July 16, 2020, Hussmann filed a petition for waiver and a petition for interim waiver from the DOE test procedure applicable to CO2 direct expansion unit coolers set forth in Appendix C. (Hussmann, No. 1 at p. 1)[3] Hussmann claimed that the test conditions described in Table 15 and Table 16 of the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') Standard 1250–2009,

[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 ''Hussmann, No. 1'' identifies a written submission: (1) Made by Hussmann; and (2) recorded in document number 1 that is filed in the docket of this petition for waiver (Docket No. EERE–2020–BT–WAV–0026) and available at *http://www.regulations.gov.*

Standard for Performance Rating of Walk-In Coolers and Freezers (''AHRI 1250–2009'') (for walk-in refrigerator unit coolers and freezer unit coolers tested alone, respectively), as incorporated by Appendix C with modification, cannot be achieved by the specified basic models and are not consistent with the operation of Hussmann's CO2 direct expansion unit coolers. (Hussmann, No. 1 at p. 2) Hussmann stated that CO2 has a critical temperature of 87.8 °F,[4] and thus the required liquid inlet saturation temperature of 105 °F and the required liquid inlet subcooling temperature of 9 °F are not achievable, and that the test conditions should be more consistent with typical operating conditions for a transcritical CO2 booster system. *Id.*

Hussmann's suggested test procedure specified using modified liquid inlet saturation and liquid inlet subcooling temperatures of 38 °F and 5 °F, respectively, for both walk-in refrigerator unit coolers and walk-in freezer unit coolers. (Hussmann, No. 1 at p. 4) Additionally, Hussmann suggested that because the subject units are used in transcritical CO2 booster systems, the calculations in AHRI 1250–2009 section 7.9 should be used to determine annual walk-in energy factor (''AWEF'') and net capacity for unit coolers matched to parallel rack systems as required under the DOE test procedure. (Hussmann, No. 1 at p. 3) This section of AHRI 1250–2009 is prescribed by the DOE test procedure for determining AWEF for all unit coolers tested alone (Appendix C, section 3.3.1). Finally, Hussmann also suggested that AHRI 1250–2009 Table 17 (EER for Remote Commercial Refrigerated Display Merchandisers and Storage Cabinets) should be used to determine EER values and power consumption for the subject CO2 direct expansion unit cooler systems as required under the DOE test procedure. (Hussmann, No. 1 at p. 7)

On February 18, 2021, DOE published a notification that announced its receipt of the petition for waiver and granted Hussmann an interim waiver. 86 FR 10046 (''Notification of Petition for Waiver''). In the Notification of Petition for Waiver, DOE acknowledged the difference in critical pressure and temperature between traditional refrigerants (such as R404A) and CO2 as used in Hussmann's direct expansion unit coolers. 86 FR 10046, 10049. DOE also noted that the transcritical nature of CO2 generally requires a more complex refrigeration cycle design to approach the efficiency of systems using traditional refrigerant cycles during operation in high temperature conditions. *Id.*

In the Notification of Petition for Waiver, DOE also solicited comments from interested parties on all aspects of the petition and the specified alternate test procedure. *Id.* DOE received no comments in response to the Notification of Petition for Waiver.

For the reasons explained here and in the Notification of Petition for Waiver, absent a waiver, the basic models identified by Hussmann in its petition cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the procedure suggested by Hussmann and concludes that it will allow for the accurate measurement of the energy use of the CO2 direct expansion unit coolers, while alleviating the testing issues associated with Hussmann's implementation of DOE's applicable walk-in refrigeration systems test procedure for the specified basic models.

Thus, DOE is requiring that Hussmann test and rate specified CO2 direct expansion unit cooler basic models according to the alternate test procedure specified in this Decision and Order, which is identical to the procedure provided in the interim waiver.

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. Hussmann 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). Hussmann 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, Hussmann 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).

III. Order

After careful consideration of all the material that was submitted by Hussmann, Hussmann's consumer-facing materials, including websites and product specification sheets for the basic models listed in Hussmann's petition, as well as other industry information pertaining to the subject basic models listed by Hussmann, in this matter, it is *ordered* that:

(1) Hussmann must, as of the date of publication of this Order in the **Federal Register**, test and rate the following CO2 direct expansion unit cooler basic models with the alternate test procedure as set forth in paragraph (2):

Manufacturer	Brand	Basic model
Hussmann	Krack	KRD***-***C***
Hussmann	Krack	G*D***-***C***
Hussmann	Krack	LHD***-***C***
Hussmann	Krack	MKD***-***C***

(2) The alternate test procedure for the Hussmann basic models listed in paragraph (1) of this Order is the test procedure for walk-in refrigeration systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C

[4] The test procedure specifies the unit cooler refrigerant inlet condition in terms of a saturation temperature (the temperature at which it completes the condensation process in a condenser) and the subcooling temperature (additional reduction in temperature lower than the specified saturation temperature). For CO2, the critical temperature above which there cannot exist separate liquid and gas phases is below the saturation condition specified in the test procedure—hence, the specified condition cannot be achieved.

(''Appendix C''), except that the liquid inlet saturation temperature test condition and liquid inlet subcooling temperature test condition shall be modified to 38 °F and 5 °F, respectively, for both walk-in refrigerator unit coolers and walk-in freezer unit coolers, as detailed below. All other requirements of Appendix C and DOE's other relevant regulations remain applicable.

In Appendix C, under section 3.1. *General modifications: Test Conditions and Tolerances,* revise section 3.1.5., to read as follows:

3.1.5. Tables 15 and 16 shall be modified to read as follows:

TABLE 15—REFRIGERATOR UNIT COOLER

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, %	Saturated suction temp, °F	Liquid inlet saturation temp, °F	Liquid inlet subcooling temp, °F	Compressor capacity	Test objective
Off Cycle Fan Power	35	<50				Compressor Off	Measure fan input power during compressor off cycle.
Refrigeration Capacity Suction A	35	<50	25	38	5	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler.

Note: Superheat to be set according to equipment specification in equipment or installation manual. If no superheat specification is given, a default superheat value of 6.5 °F shall be used. The superheat setting used in the test shall be reported as part of the standard rating.

TABLE 16—FREEZER UNIT COOLER

Test description	Unit cooler air entering dry-bulb, °F	Unit cooler air entering relative humidity, %	Saturated suction temp, °F	Liquid inlet saturation temp, °F	Liquid inlet subcooling temp, °F	Compressor capacity	Test objective
Off Cycle Fan Power	−10	<50				Compressor Off	Measure fan input power during compressor off cycle.
Refrigeration Capacity Suction A	−10	<50	−20	38	5	Compressor On	Determine Net Refrigeration Capacity of Unit Cooler.
Defrost	−10	Various				Compressor Off	Test according to Appendix C Section C11.

Note: Superheat to be set according to equipment specification in equipment or installation manual. If no superheat specification is given, a default superheat value of 6.5 °F shall be used. The superheat setting used in the test shall be reported as part of the standard rating.

(3) *Representations.* Hussmann may not make representations about the energy efficiency of a basic model listed in paragraph (1) of this Order for compliance or marketing, 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) DOE issues this waiver on the condition that the statements, representations, and information provided by Hussmann are valid. If Hussmann makes any modifications to the controls or configurations of these basic models, such modifications will render the waiver invalid with respect to that basic model, and Hussmann 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, Hussmann may request that DOE rescind or modify the waiver if Hussmann 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) Hussmann 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. Hussmann may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of CO2 direct expansion unit coolers. Alternatively, if appropriate, Hussmann 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 May 2, 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 May 4, 2021.

Treena V. Garrett,

Federal Register Liaison Officer,U.S. Department of Energy.

[FR Doc. 2021–09704 Filed 5–6–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–85–000.

Applicants: Sempra Energy, Energia Sierra Juarez U.S., LLC, Energia Sierra Juarez 2 U.S., LLC, Energia Sierra Juarez U.S. Transmission, LLC, Termoelectrica U.S., LLC, Sempra Gas & Power

Marketing, LLC, KKR Pinnacle Aggregator L.P.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Sempra Energy, et al.

Filed Date: 4/30/21.

Accession Number: 20210430–5495.

Comments Due: 5 p.m. ET 5/21/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1813–001.

Applicants: Yellow Pine Energy Center I, LLC.

Description: Tariff Amendment: Amendment to Yellow Pine Energy Center I, LLC Application for MBR Authorization to be effective 7/1/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5065.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1814–001.

Applicants: Yellow Pine Energy Center II, LLC.

Description: Tariff Amendment: Amendment to Yellow Pine Energy Center II, LLC Application for MBR Authorization to be effective 7/1/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5067.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1819–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1166R35 Oklahoma Municipal Power Authority NITSA and NOA to be effective 4/1/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5025.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1820–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–05–03_SA 3481 ATC-Richland County Solar 1st Rev GIA (J864) to be effective 4/22/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5027.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1822–000.

Applicants: GridLiance High Plains LLC.

Description: Request for Approval of Revised Depreciation Rates to Transmission Rates of GridLiance High Plains LLC.

Filed Date: 4/30/21.

Accession Number: 20210430–5612.

Comments Due: 5 p.m. ET 5/21/21.

Docket Numbers: ER21–1823–000.

Applicants: American Electric Power Service Corporation, Indiana Michigan Power Company, AEP Indiana Michigan Transmission Company, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits Two FAs re: ILDSA No. 4234 to be effective 7/3/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5038.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1824–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–STEC (North Edinburg 138) Facility Development Agreement to be effective 4/27/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5040.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1825–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX–STEC (Sunniland) Facilities Development Agreement to be effective 4/27/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5041.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1826–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Cooperative Energy NITSA 2021 Rollover Filing to be effective 4/1/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5057.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1827–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Tri-State NITSA Rev 10 to be effective 7/1/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5058.

Comments Due: 5 p.m. ET 5/24/21.

Docket Numbers: ER21–1828–000.

Applicants: Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.

Description: Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of Entergy Arkansas, LLC, et al.

Filed Date: 4/30/21.

Accession Number: 20210430–5694.

Comments Due: 5 p.m. ET 5/21/21.

Docket Numbers: ER21–1831–000.

Applicants: Shasta-Sustainable Resource Management, Inc.

Description: Compliance filing: Non-Material Change in Status, Notice of Succession, and New eTariff Baseline to be effective 5/4/2021.

Filed Date: 5/3/21.

Accession Number: 20210503–5077.

Comments Due: 5 p.m. ET 5/24/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–45–000.

Applicants: Ameren Transmission Company of Illinois.

Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Ameren Services Company.

Filed Date: 4/30/21.

Accession Number: 20210430–5509.

Comments Due: 5 p.m. ET 5/21/21.

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: May 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–09724 Filed 5–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–10–000]

Modernizing Electricity Market Design; Supplemental Notice of Technical Conference on Resource Adequacy in the Evolving Electricity Sector: ISO New England Inc.

As first announced in the Notice of Technical Conference issued in this proceeding on April 22, 2021, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding on May 25, 2021, from approximately 9:00 a.m. to 4:15 p.m. Eastern time. The conference will be held remotely. Attached to this Supplemental Notice is an agenda for the technical conference. Commissioners may attend and participate in the technical conference.

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:

	Docket Nos.
ISO New England Inc	ER21–787–000.
ISO New England Inc	ER21–943–000.
New England Power Generators Ass'n, Inc. v. *ISO New England Inc*	EL21–26–000.
ISO New England Inc	ER21–1226–000.
ISO New England Inc., New England Power Pool Participants Committee	ER21–1637–000.
Independent Market Monitor for PJM v. *PJM Interconnection, L.L.C., Docket No*	EL19–47–000.
Office of the People's Counsel for D.C. et al. v. *PJM Interconnection*	EL19–63–000.
PJM Interconnection, L.L.C	EL19–100–000.
PJM Interconnection, L.L.C	ER21–278–000 and ER21–278–001.
New York Independent System Operator, Inc	ER20–1718–002.
New York State Public Service Commission, et al. v. New York Independent System Operator, Inc	EL16–92–004 and ER17–996–004.
New York Independent System Operator, Inc	ER16–1404–005, ER16–1404–006, and ER16–1404–007.
New York Independent System Operator, Inc	ER21–502–000 and ER21–502–001.
New York Independent System Operator, Inc	ER21–1018–000.
Cricket Valley Energy Center LLC and Empire Generating Company, LLC v. *New York Independent System Operator, Inc.*	EL21–7–000.

The conference will be open for the public to attend remotely. There is no fee for attendance. 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-regarding-wholesale-markets-administered-iso-new-england*) prior to the event.

The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting at (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* or call toll free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations. This notice is issued and published in accordance with 18 CFR 2.1.

For more information about this technical conference, please contact David Rosner at *david.rosner@ferc.gov* or (202) 502–8479 or Emma Nicholson at *emma.nicholson@ferc.gov* or (202) 502–8741. For legal information, please contact Meghan O'Brien at *meghan.o'brien@ferc.gov* or (202) 502–6137. For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: May 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–09722 Filed 5–6–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–45–000.
Applicants: Montana-Dakota Utilities Co.
Description: Tariff filing per 284.123(b),(e)+(g): Update to Statement of Operation Conditions and Rates to be effective 4/1/2021.
Filed Date: 4/29/2021.
Accession Number: 202104295068.
Comments Due: 5 p.m. ET 5/20/2021.
284.123(g) Protests Due: 5 p.m. ET 6/28/2021.

Docket Number: PR21–46–000.
Applicants: DCP Guadalupe Pipeline, LLC.
Description: Tariff filing per 284.123(b)(2)+(g): Guadalupe SOC 7.0.0 to be effective 5/1/2021.
Filed Date: 4/30/2021.
Accession Number: 202104305201.
Comments Due: 5 p.m. ET 5/21/2021.
284.123(g) Protests Due: 5 p.m. ET 6/29/2021.

Docket Numbers: RP21–100–002.
Applicants: National Grid LNG, LLC.
Description: Compliance filing 2021–04–28 Motion to Place Suspended Revised Tariff Record into Effect to be effective 5/1/2021.
Filed Date: 4/28/21.
Accession Number: 20210428–5028.
Comments Due: 5 p.m. ET 5/10/21.

Docket Numbers: RP20–1042–001.
Applicants: Northern Natural Gas Company.
Description: Compliance filing 20210429 2020 Operational Purchases and Sales Report.
Filed Date: 4/29/21.
Accession Number: 20210429–5196.
Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: RP16–864–003.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing Revenue Sharing Report 2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5089.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–720–001.
Applicants: WBI Energy Transmission, Inc.
Description: Tariff Amendment: 2021 Amendment to New GMS—Uncommitted Capacity to be effective 5/7/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5377.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–768–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Amendment to a Negotiated Rate Agreement-WSGP Gas Producing to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5001.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–769–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedule SS–2 Clean-up Filing to be effective 5/31/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5016.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–770–000.
Applicants: Bison Pipeline LLC.

Description: Compliance filing 2021 Operational Purchase and Sales Report.
Filed Date: 4/30/21.
Accession Number: 20210430–5050.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–771–000.
Applicants: Northern Border Pipeline Company.
Description: Compliance filing 2021 Operational Purchases and Sales Report.
Filed Date: 4/30/21.
Accession Number: 20210430–5051.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–772–000.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing 2021 Operational Purchases and Sale Report.
Filed Date: 4/30/21.
Accession Number: 20210430–5052.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–773–000.
Applicants: Blue Lake Gas Storage Company.
Description: Compliance filing 2021 Operational Purchases and Sales Report.
Filed Date: 4/30/21.
Accession Number: 20210430–5053.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–774–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2021 April Negotiated Rate Agreement to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5065.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–775–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various shippers eff 5–1–2021) to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5069.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–776–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Service Agreements—effective 5/1/2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5070.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–777–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 4–30–21 to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5078.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–778–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Section 4 Rate Case Filing April 30, 2021 to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5083.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–779–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: EGTS—April 30, 2021 Nonconforming Service Agreement to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5084.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–780–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate—Northern Utilities 210363 release to 2007 eff 5–1–2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5101.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–781–000.
Applicants: Fayetteville Express Pipeline LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 4–30–21 to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5119.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–782–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–04–30 Negotiated Rate Agreement to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5129.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–783–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Interruptible Transportation Revenue Sharing of Cameron Interstate Pipeline, LLC under RP21–783.
Filed Date: 4/30/21.
Accession Number: 20210430–5133.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–784–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Annual Report of Operational Imbalances and Cash-Out Activity of Cameron Interstate Pipeline, LLC under RP21–784.
Filed Date: 4/30/21.
Accession Number: 20210430–5139.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–785–000.
Applicants: Southeast Supply Header, LLC.
Description: Compliance filing 2021 SESH TUP/SBA Annual Filing.
Filed Date: 4/30/21.
Accession Number: 20210430–5163.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–786–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210430 Winter PRA to be effective 11/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5164.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–787–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 5–1–2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5175.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–788–000.
Applicants: ANR Pipeline Company.
Description: Compliance filing Operational Purchases and Sales Report 2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5174.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–789–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Constellation 53992 to Exelon 54031) to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5185.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–790–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (FPL releases eff 5–1–2021) to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5186.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–791–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Southern 49811 to Texla 54035) to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5187.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–793–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Marathon 51753, 51754 to Spire 54046, 54047) to be effective 5/1/2021.
Filed Date: 4/30/21.

Accession Number: 20210430–5189.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–794–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: Cashout Surcharge 2021 to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5198.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–795–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—May 2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5212.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–796–000.
Applicants: Spire STL Pipeline LLC.
Description: § 4(d) Rate Filing: Spire STL NRA Filing to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5214.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–797–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Chevron 860493 eff 05–01–2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5215.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–798–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Negotiated Rate Filing 4–30–2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5226.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–799–000.
Applicants: Southeast Supply Header, LLC.
Description: § 4(d) Rate Filing: 2021 SESH TUP/SBA Annual Filing to be effective 6/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5271.
Comments Due: 5 p.m. ET 5/12/21.
Docket Numbers: RP21–800–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Non-Conforming—REA—Interim Firm Service—NJNG to be effective 11/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5278.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–801–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210430 Negotiated Rate to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5309.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–802–000.
Applicants: Sabine Pipe Line LLC.
Description: § 4(d) Rate Filing: Normal Section 7.26—rate changes 2021 to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5315.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–803–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: List of Non-Conforming Service Agreements (REA Interim Firm—NJNG) to be effective 5/31/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5399.
Comments Due: 5 p.m. ET 5/12/21.

Docket Numbers: RP21–804–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–04–30 Negotiated Rate Agreement to be effective 5/1/2021.
Filed Date: 4/30/21.
Accession Number: 20210430–5412.
Comments Due: 5 p.m. ET 5/12/21.

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: May 3, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–09721 Filed 5–6–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0715; FRL–10023–75–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Tolerance Petitions for Pesticides on Food or Feed Crops and New Food Use Inert Ingredients (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Tolerance Petitions for Pesticides on Food or Feed Crops and New Food Use Inert Ingredients (EPA ICR Number 0597.13, OMB Control Number 2070–0024) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested via the **Federal Register** on August 17, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before June 7, 2021.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OPP–2015–0715, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Mission Support Division (7101M), Office of Program Support, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (703) 347–0159; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The use of pesticides to increase crop production often results in pesticide residues in or on the crop. To protect public health from unsafe pesticide residues, EPA sets limits on the nature and level of residues permitted pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA). A pesticide may not be used on food or feed crops unless the Agency has established a tolerance (maximum residue limit) for the pesticide residues on that crop or established an exemption from the requirement to have a tolerance.

Form Numbers: None.

Respondents/Affected Entities: Individuals or entities engaged in activities related to the registration of a pesticide product and establishments primarily engaged in administrative management and general management consulting services.

Respondent's obligation to respond: Mandatory (FIFRA Section 408).

Estimated number of respondents: 165 (total).

Frequency of response: On Occasion.

Total estimated burden: 285,128 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated costs: $27,475,223 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in the number of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–09637 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0489; FRL 10023–59–OAR]

Proposed Information Collection Request; Comment Request; Air Emissions Reporting Requirements (Renewal); EPA ICR No. 2170.08, OMB Control No. 2060–0580

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Air Emissions Reporting Requirements (Renewal)'' (EPA ICR No. 2170.08, OMB Control No. 2060–0580) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. 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.

DATES: Comments must be submitted on or before July 6, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0489, online using *www.regulations.gov* (our preferred method), by email to *houyoux.marc@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Marc Houyoux, Air Quality Assessment Division, Office of Air Quality Planning and Standards, (C339–02), Environmental Protection Agency, 109 TW Alexander Drive, RTP, NC 27711; telephone number: (919) 541–3649; email address: *houyoux.marc@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The EPA promulgated the Air Emissions Reporting Requirements (AERR) (40 CFR part 51, subpart A) to coordinate emissions inventory reporting requirements with existing requirements of the Clean Air Act and 1990 Amendments. Under this reporting, 54 state and territorial air quality agencies, including the District of Columbia, as well as an estimated 31 local and tribal air quality agencies, must submit emissions data every 3 years for all point, non-point, on-road mobile, and non-road mobile sources of volatile organic compounds, oxides of nitrogen, carbon monoxide, sulfur dioxide, particulate matter less than or equal to 10 micrometers in diameter, particulate matter less than or equal to 2.5 micrometers in diameter, ammonia, and lead.

In addition, the air quality agencies must submit annually emission data for point sources with the potential to emit at greater than specified levels of those pollutants. Fewer agencies are required to report during these interim years

because of higher emissions thresholds, with an estimated 54 states/territories and 26 local and tribal agencies required to report. On average across each 3-year period, 54 states/territories and 5 local and tribal agencies are required to report.

The EPA needs the data collected from the emission reporting to compile and make available a national inventory of air pollutant emissions. A comprehensive inventory updated at regular intervals is essential to allow the EPA to fulfill its mandate to monitor and plan for the attainment and maintenance of the national ambient air quality standards established for criteria pollutants.

The number and frequency of data collection and submittal is expected to remain the same for 2022–2024.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are generally state, territorial and local government air quality managements programs. Tribal governments are not affected unless they have sought and obtained treatment as state status under the Tribal Authority Rule and on that basis, are authorized to implement and enforce the AERR rule. For the most recent triennial inventory, 9 tribal agencies reported to the NEI.

Respondent's obligation to respond: This information is collected under 23 U.S.C. 101; 42 U.S.C 7401–7671q, and the authority of the AERR. This information is mandatory and, as specified, cannot be treated as confidential by the EPA.

Estimated number of respondents: 80 (total).

Frequency of response: Annual.

Total estimated burden: 48,415 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $4,227,476 (per year), includes $89,600 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: April 30, 2021.

Richard Wayland,

Director, Air Quality Assessment Division, Office of Air Quality Planning and Standards.

[FR Doc. 2021–09685 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2016–0546; FRL–10022–43–OAR]

Proposed Information Collection Request; Comment Request; Aircraft Engines—Supplemental Information Related to Exhaust Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Aircraft Engines—Supplemental Information Related to Exhaust Emissions (Renewal)'' (EPA ICR No. 2427.06, OMB Control No. 2060–0680), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. 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.

DATES: Comments must be submitted on or before July 6, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2016–0546, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Cullen Leggett, Office of Transportation and Air Quality, Office of Air and Radiation, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (734) 214–4514; fax number: (734) 214–4816; email address: *leggett.cullen@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This information collection is being conducted by the United States (U.S.) Environmental Protection Agency's (EPA's) Office of Air and Radiation (OAR) pursuant to section 114 of the Clean Air Act, as amended (CAA or the Act), to assist the Administrator of EPA in developing emissions standards and/or to inform future policy making decisions for aircraft gas turbine engines pursuant to section 231 of the Act.

Under CAA section 231, the EPA is responsible for establishing standards for emissions from aircraft engines, and under CAA section 232, the Federal Aviation Administration (FAA) is responsible for enforcing these standards. The EPA and the FAA traditionally work within the standard-setting process of the International Civil Aviation Organization (ICAO) to establish international emission standards and related requirements, which individual nations later adopt into domestic law in fulfillment of their obligations under the Convention on

International Civil Aviation (Chicago Convention).[1] Historically, international emission standards have first been adopted by ICAO, and subsequently the EPA has initiated rulemakings under CAA section 231 to establish domestic standards that are at least as stringent as ICAO's standards. The renewal of this ICR will ensure all the necessary information is gathered for in-production engines in order to support and inform any possible future policy making decisions.

The EPA is not proposing to collect any additional data or apply this reporting to any additional respondents. However, the EPA is expanding the scope of this ICR to include supersonic aircraft engines in addition to subsonic aircraft engines. When this ICR was established and previously renewed, the only aircraft engines that were in production, in development, or in use were subsonic engines. Thus, the EPA only included subsonic engines and only referred to subsonic test procedures. Yet, standards in 40 CFR part 87 (Control of Air Pollution from Aircraft and Aircraft Engines) apply to both subsonic and supersonic aircraft engines.

Recently, there has been significant renewed interest in the development of supersonic aircraft and engines. Thus, the EPA is expanding this ICR to apply equally to all engines (subsonic and supersonic aircraft engines) that are required to meet standards under Part 87. The EPA is not expecting any supersonic engines to be certified by the FAA in the next three years, but the EPA wants to ensure it has access to this new emissions information in an expeditious manner so that the agency can understand the environmental impacts and inform any appropriate future standard setting activities under CAA section 231. The inclusion of supersonic engines would not expand the number of respondents; nor would it place any additional burden on the manufactures because the EPA is only requesting data related to standards under Part 87.

Form Numbers: EPA Form 5900–223.

Respondents/affected entities: Respondents affected by this action are the manufacturers of aircraft gas turbine engines subject to 40 CFR part 87. Table 1 below presents some examples of potentially affected entities according to NAICS code. Table 1 is not intended to be exhaustive, but rather provides a guide for respondents regarding facilities likely to be affected by this ICR.

TABLE 1—EXAMPLES OF POTENTIALLY AFFECTED ENTITIES BY CATEGORY

Category	NAICS code	Example of potentially affected entities
	336412	Aircraft Engine and Engine Parts Manufacturing.

Respondent's obligation to respond: Mandatory (pursuant to section 114 of the Clean Air Act).

Estimated number of respondents: 7 (total).

Frequency of response: Annual.

Total estimated burden: 456 hours (152 hours per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $42,005 ($14,002 per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is decrease of 1,050 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to the fact that one-time start-up costs to conduct nvPM measurements from jet engines were included in the previous ICR renewal. The initial cost for manufacturers was capital and labor intensive. These one-time costs were incurred in the past 3 years and are not expected to need to be repeated for these engines now that the data has been collected. If manufacturers develop a new subsonic engine with a thrust greater than 26.7kN, the nvPM measurements will need to be verified by the FAA. The introduction of new aircraft engines doesn't happen on a very frequent basis. The EPA is estimating that each manufacturer may introduce one subsonic engine over 26.7kN over the next three years, for a total of 6 engines (compared to an estimated 33 engines in the previous ICR). The estimated time manufacturers need to collect and report this data to the EPA remains the same.

William Charmley,

Director, Assessment and Standards Division.

[FR Doc. 2021–09684 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

[1] ICAO, 2006: *Convention on International Civil Aviation, Ninth Edition,* Document 7300/9, 114 pp. Available at: *http://www.icao.int/publications/Documents/7300_9ed.pdf* (last accessed March 31, 2021).

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9056–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS) Filed April 26, 2021 10 a.m. EST Through May 3, 2021 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210047, Draft Supplement, FHWA, KS, South Lawrence Trafficway, Comment Period Ends: 06/21/2021, Contact: Javier Ahumada 785–273–2649

EIS No. 20210048, Draft, NOAA, HI, Pacific Islands Aquaculture Management Program, Comment Period Ends: 08/05/2021, Contact: Tori Spence 808–725–5186

EIS No. 20210049, Final, MDA, AK, Long Range Discrimination Radar Operations, Clear Air Force Station, Alaska, Review Period Ends: 06/07/2021, Contact: Ryan Keith 256–450–1599

Dated: May 3, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–09688 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0630; FRL–10016–59–OMS]

Agency Information Collection Activities; Renewal Request Submitted to OMB for Review and Approval; Comment Request; Compliance Requirement for Child-Resistant Packaging (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Compliance Requirement for Child-Resistant Packaging (EPA ICR Number

0616.13 and OMB Control Number 2070–0052) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2021. Public comments were previously requested via the **Federal Register** on August 17, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments med on or before June 7, 2021.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OPP–2016–0630, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Carolyn Siu, Mission Support Division (7101M), Office of Program Support, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (703) 347–0159; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, WJC West., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This information collection program is designed to provide EPA with assurances that the packaging of pesticide products sold and distributed to the general public in the United States meets standards set forth by the Agency pursuant to FIFRA. Registrants must certify to the Agency that the pesticide packaging or device regulated by this Act meets these standards.

Form Numbers: None.

Respondents/Affected Entities: Pesticide and other agricultural chemical manufacturing.

Respondent's obligation to respond: Mandatory under FIFRA Section 25(c)(3).

Estimated number of respondents: 31 (total).

Frequency of response: On Occasion.

Total estimated burden: 3,535 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $249,292 (per year), includes no annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in the number of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–09638 Filed 5–6–21; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

AGENCY: Farm Credit Administration Board, Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the forthcoming regular meeting of the Farm Credit Administration Board.

DATES: The regular meeting of the Board will be held May 13, 2021, from 9:00 a.m. until such time as the Board may conclude its business. *Note: Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.*

ADDRESSES: To observe the open portion of the virtual meeting, go to *FCA.gov*, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Farm Credit Administration Board (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: Instructions for attending the virtual meeting: Parts of this meeting of the Board will be open to the public, and parts will be closed. If you wish to observe the open portion, at least 24 hours before the meeting, go to *FCA.gov*, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' If you need assistance for accessibility reasons or if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

Open Session

Approval of Minutes

- April 8, 2021

Report

- Farm Credit System Building Association Auditor's Report on 2020 Financial Audit

New Business

- Farmer Mac Report Submission Process Change—Direct Final Rule
- Executive Order 12866 Annual Review of Significant Regulatory Actions

Closed Session

- Office of Secondary Market Oversight Periodic Report [1]
- Executive Session—FCS Building Association Auditor's Report [2]

Dated: May 5, 2021.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2021–09844 Filed 5–5–21; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL ELECTION COMMISSION

[NOTICE 2021–08]

Filing Dates for the Ohio Special Elections in the 15th Congressional District

AGENCY: Federal Election Commission.

[1] Closed session is exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

[2] Closed session is exempt pursuant to 5 U.S.C. Section 552b(c)(2).

ACTION: Notice of filing dates for special election.

SUMMARY: Ohio has scheduled special elections on August 3, 2021, and November 2, 2021, to fill the U.S. House of Representatives seat in the 15th Congressional District being vacated by Representative Steve Stivers. Committees required to file reports in connection with the Special Primary Election on August 3, 2021, shall file a 12-day Pre-Primary Report. Committees required to file reports in connection with both the Special Primary and Special General Election on November 2, 2021, shall file a 12-day Pre-Primary, a 12-day Pre-General, and a 30-day Post-General Report.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the Ohio Special Primary and Special General Elections shall file a 12-day Pre-Primary Report on July 22, 2021; a 12-day Pre-General Report on October 21, 2021; and a 30-day Post-General Report on December 2, 2021. (See charts below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See charts below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees not filing monthly in 2021 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Ohio Special Primary or Special General Elections by the close of books for the applicable report(s). (See charts below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Ohio Special Primary or Special General Elections will continue to file according to the monthly reporting schedule.

Additional disclosure information for the Ohio special elections may be found on the FEC website at *https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/.*

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $19,300 during the special election reporting periods. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR OHIO SPECIAL ELECTIONS

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
CAMPAIGN COMMITTEES INVOLVED IN *ONLY* THE SPECIAL PRIMARY (08/03/2021) MUST FILE			
July Quarterly	—WAIVED—		
Pre-Primary	07/14/2021	07/19/2021	07/22/2021
October Quarterly	09/30/2021	10/15/2021	10/15/2021
PACs AND PARTY COMMITTEES NOT FILING MONTHLY INVOLVED IN *ONLY* THE SPECIAL PRIMARY (08/03/2021) MUST FILE			
Pre-Primary	07/14/2021	07/19/2021	07/22/2021
Mid-Year	—WAIVED—		
Year-End	12/31/2021	01/31/2022	01/31/2022
CAMPAIGN COMMITTEES INVOLVED IN BOTH THE SPECIAL PRIMARY (08/03/2021) AND SPECIAL GENERAL (11/02/2021) MUST FILE			
July Quarterly	—WAIVED—		
Pre-Primary	07/14/2021	07/19/2021	07/22/2021
October Quarterly	—WAIVED—		
Pre-General	10/13/2021	10/18/2021	10/21/2021
Post-General	11/22/2021	12/02/2021	12/02/2021
Year-End	12/31/2021	01/31/2022	01/31/2022
PACs AND PARTY COMMITTEES NOT FILING MONTHLY INVOLVED IN BOTH THE SPECIAL PRIMARY (08/03/2021) AND THE SPECIAL GENERAL (11/02/2021) MUST FILE			
Pre-Primary	07/14/2021	07/19/2021	07/22/2021
Mid-Year	—WAIVED—		
Pre-General	10/13/2021	10/18/2021	10/21/2021
Post-General	11/22/2021	12/02/2021	12/02/2021
Year-End	12/31/2021	01/31/2022	01/31/2022

CALENDAR OF REPORTING DATES FOR OHIO SPECIAL ELECTIONS—Continued

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
CAMPAIGN COMMITTEES INVOLVED IN *ONLY* THE SPECIAL GENERAL (11/02/2021) MUST FILE			
July Quarterly	06/30/2021	07/15/2021	07/15/2021
October Quarterly	—WAIVED—		
Pre-General	10/13/2021	10/18/2021	10/21/2021
Post-General	11/22/2021	12/02/2021	12/02/2021
Year-End	12/31/2021	01/31/2022	01/31/2022
PACs AND PARTY COMMITTEES NOT FILING MONTHLY INVOLVED IN *ONLY* THE SPECIAL GENERAL (11/02/2021) MUST FILE			
Mid-Year	06/30/2021	07/31/2021	[2] 07/31/2021
Pre-General	10/13/2021	10/18/2021	10/21/2021
Post-General	11/22/2021	12/02/2021	12/02/2021
Year-End	12/31/2021	01/31/2022	01/31/2022

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

[2] Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail must be received by close of business on the last business day before the deadline.

Dated: May 3, 2021.

On behalf of the Commission,

Shana M. Broussard,

Chair, Federal Election Commission.

[FR Doc. 2021–09656 Filed 5–6–21; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System (Board)

ACTION: Notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Board, the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) (collectively, the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the Board's publication, on behalf of the agencies, for public comment of a proposal to revise and extend the Country Exposure Report for U.S. Branches and Agencies of Foreign Banks (FFIEC 019), which is currently an approved collection of information. The agencies are proposing revisions to the FFIEC 019 that would take effect March 31, 2022, as discussed in the Section II, Current Actions, below. In determining whether to modify the proposed collection of information, the agencies will consider all comments received. As required by the PRA, the Board would then publish a second **Federal Register** notice for a 30-day comment period and submit the final FFIEC 019 clearance package to OMB for review and approval.

DATES: Comments must be submitted on or before July 6, 2021.

ADDRESSES: Interested parties are invited to submit written comments, identified by ''FFIEC 019,'' by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the reporting form number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed extension with revision of the FFIEC 019 discussed in this notice, please contact the agency staff member whose name appears below. In addition, a copy of the FFIEC 019 form can be obtained at the FFIEC's website (*https://www.ffiec.gov/ffiec_report_forms.htm*).

Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW,

Washington, DC 20551.
Telecommunications Device for the Deaf users may call (202) 263–4869.

SUPPLEMENTARY INFORMATION: The Board is proposing to extend for three years, with revision, the FFIEC 019.

Report Title: Country Exposure Report for U.S. Branches and Agencies of Foreign Banks.

Form Number: FFIEC 019.

OMB control number: 7100–0213.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

Respondents: All branches and agencies of foreign banks domiciled in the United States with total direct claims on foreign residents in excess of $30 million.

Estimated Number of Respondents: Ongoing: 147; one-time: 20.

Estimated Average Burden per Response: Ongoing: 10 hours; one-time: 4 hours.

Estimated Total Annual Burden: Ongoing: 5,880 hours; one-time: 320 hours.

I. General Description of Report

This information collection is required pursuant to sections 7 and 13 of the International Banking Act (12 U.S.C. 3105 and 3108) for the Board, sections 7 and 10 of the Federal Deposit Insurance Act (12 U.S.C. 1817 and 1820) for the FDIC, and the National Bank Act (12 U.S.C. 161) as applied through section 4 of the International Banking Act (12 U.S.C. 3102) for the OCC. The FFIEC 019 is given confidential treatment consistent with 5 U.S.C. 552(b)(4) and (b)(8).

The FFIEC 019 report must be filed by each U.S. branch or agency of a foreign bank that has total direct claims on foreign residents in excess of $30 million. The branch or agency reports its total exposure (1) to residents of its home country, and (2) to the other five foreign nations to which its exposure is largest and is at least $20 million. The home country exposure must be reported regardless of the size of the total claims for that nation.

Each respondent must report by country, as appropriate, the information on its direct claims (assets such as deposit balances with banks, loans, or securities), indirect claims (which include guarantees), and total adjusted claims on foreign residents, as well as information on commitments. The respondent also must report information on claims on related non-U.S. offices that are included in total adjusted claims on the home country, as well as a breakdown for the home country and each other reported country of adjusted claims on unrelated foreign residents by the sector of borrower or guarantor, and by maturity (in two categories: One year or less, and over one year). The Board collects and processes this report on behalf of all three agencies.

II. Current Actions

The FFIEC has approved the Board's publication for public comment of a proposal to revise and extend for three years the FFIEC 019. The agencies propose to revise the FFIEC 019 by removing the five-country limit on the reporting of gross claims on foreign nations to which the U.S. branch or agency of a foreign bank has its largest total exposures of at least $20 million.

Removal of the five-country reporting limit would allow supervisors to collect information on all foreign countries for which the U.S. branch or agency of a foreign bank has exposure of $20 million or above. The existing five-country limit was implemented at a time when U.S. branches and agencies of foreign banks had a smaller presence in the U.S. and their exposures to foreign nations were limited to their home country and one or two other nations where the U.S. branch or agency conducted transactions primarily for financing trade. Currently, there are larger U.S. branches and agencies of foreign banks that conduct a wider range of transactions as part of the parent bank's global strategy. For example, some U.S. branches are now an integral part of the parent bank's capital market operations engaging in funding transactions between off-shore countries and other branches of the parent bank in other regions, such as Europe, Asia, and Latin America.

According to the most recent FFIEC 019 data, a number of U.S. branches and agencies of foreign banks had a fifth-country reported exposure above $50 million, and seven respondents had a fifth-country exposure above $1 billion. This data provides evidence that the five-country limit could be excluding sizeable foreign exposures. The proposed revision would facilitate consistency of reporting across institutions for key components of foreign country exposure. The additional reported data would allow supervisors to compare the amount of one institution's exposures to those of its peers for a country or set of countries, to analyze the aggregate exposure of U.S. banks to foreign creditors, and to monitor trends in exposures.

The existing FFIEC 019 report form and instructions would be revised to reflect removal of the five-country reporting limit. Specifically, references to ''other five foreign nations to which its exposure is largest and is at least $20 million'' would be revised to read ''other foreign nations to which its exposure is at least $20 million.'' The existing report form would be revised to permit more than five line items to report foreign countries for which the total adjusted claims is largest and is greater than or equal to $20 million. For consistency with other FFIEC reports, the FFIEC 019 report form would be revised to add the list of countries and codes that are currently reflected on the Country Exposure Report (FFIEC 009). The instructions would be updated to direct respondents to leave columns blank for countries below the disclosure threshold of $20 million.

The agencies estimate that, for the approximately 20 financial institutions expected to have more than five foreign country exposures of at least $20 million to report, the proposed revision would impose, on average, a 4-hour implementation burden to update each firm's reporting systems and practices. The estimated number of institutions with additional exposures to report is based on the number of respondents that reported five foreign exposures of at least $20 million as of year-end 2020. Once reporting systems are updated, the agencies believe that ongoing burden will not substantially change because any increase in the total number of foreign exposures reported would be approximately offset by the simplified assessment to determine which foreign exposures to report. The estimated total number of respondents is based on year-end FFIEC 019 reporting for 2020.

III. Request for Comment

Public comment is requested on all aspects of this notice. Comment is also specifically invited on:

a. Whether the information collection is necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted to the Board in response to this notice will be shared with the other agencies. All comments will become a matter of public record.

Board of Governors of the Federal Reserve System, May 3, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–09654 Filed 5–6–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than June 7, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *High Point Financial Services, Inc., Forreston, Illinois*; to acquire Durand Bancorp, Inc., and thereby indirectly acquire Durand State Bank, both of Durand, Illinois.

Board of Governors of the Federal Reserve System, May 4, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–09740 Filed 5–6–21; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21–0953; Docket No. CDC–2021–0047]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. The information collection activities provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery.

DATES: CDC must receive written comments on or before July 6, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0047 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0920–0953, Exp. 8/31/2021)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The information collection activities associated with this collection provide a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not a statistical survey that yields quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

CDC will only submit a collection for approval under these generic clearances if they meet the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based) on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally Identifiable Information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information. The collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under CDC generic clearances provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

CDC requests OMB approval for an estimated 13,075 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Type of collections	Number of respondents	Annual frequency per response	Hours per response	Total hours
Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.	Print Surveys	50,000	1	15/60	12,500
	Focus Groups	100	1	2	200
	Online Surveys	1500	1	15/60	375
Total					13,075

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–09733 Filed 5–6–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21EX; Docket No. CDC–2021–0046]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled A Baseline of Injury and Psychosocial Stress for Applied Behavior Analysis Workers. The goal of this information collection is to better understand the work-related injuries and psychosocial stressors encountered by applied behavior analysis workers.

DATES: CDC must receive written comments on or before July 6, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0046 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

A Baseline of Injury and Psychosocial Stress for Applied Behavior Analysis Workers—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (Pub. L. 91–596), the mission of NIOSH is to conduct research and investigations on occupational safety and health. This project will focus on obtaining a better understanding of the injuries sustained and psychosocial stressors experienced by applied behavior analysis workers. Applied behavior analysis is a principle intervention for increasing appropriate behaviors and decreasing inappropriate behaviors exhibited by children, adolescents, and adults with developmental disorders. As of August 2020, there were more than 120,000 applied behavior analysis workers credentialed by the Behavior Analysis Certification Board. Applied behavior analysis workers, which include Board Certified Behavior Analysts and Registered Behavior Technicians, are responsible for planning and implementing behavior-focused treatments in schools, clinics, homes, and hospitals.

There is no Standard Occupational Classification category for applied behavior analysis workers. The absence of an occupational category means that estimates of injury among this group are based on statistics from existing occupational groups and anecdotal evidence from practitioners. Applied behavior analysis workers are in a variety of occupational categories, but they often have job duties that make many of their experiences in the workplace distinct from other types of workers in those occupational categories. Whereas other healthcare workers usually take steps to mitigate violence in their work, applied behavior analysis workers are tasked with soliciting and then treating (*i.e.,* confronting) disruptive behavior as part of behavioral treatments. In addition, applied behavior analysis workers often spend more time with clients than other types of workers: 25–40 hours per week of direct-contact services is common for a client.

Some applied behavior analysis workers are often in dangerous working environments, in homes and clinics, with clients who may sometimes behave unpredictably or aggressively. Despite these hazards and risks, and despite the growing number of behavior analysis workers nationally, there are no data on frequency and severity of injuries among this population of workers, and the only evidence is anecdotal in nature. The goal of the study is to collect data on the burden of work-related injuries among applied behavior analysis workers to begin to fill the gaps in the research and obtain a better understanding of the hazards and risks they encounter.

This study consists of a one-time, 10-minute survey targeted to credentialed applied behavior analysis workers. Survey respondents will include individuals currently credentialed by the Behavior Analysis Certification Board. This includes registered behavior technicians, board certified assistant behavior analysts, board certified behavior analysts, and board-certified behavior analysts—doctoral. The survey consists of questions related to

demographics, organizational safety climate, injuries, safety training, and burnout. A brief message and a link to complete the online survey will be sent by email. The etiologic approach will provide data to assess important characteristics of the population; guide control measures; serve as a quantitative basis to define objectives and specific priorities; and inform the designing, planning, and evaluation of future interventions.

CDC requests approval for an estimated 4,000 annual burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Board Certified Behavior Analysts	Survey	7,680	1	10/60	1,280
Board Certified Assistant Behavior Analysts	Survey	960	1	10/60	160
Registered Behavior Technicians	Survey	15,360	1	10/60	2,560
Total					4,000

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–09732 Filed 5–6–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10203 and CMS–10632]

Agency Information Collection Activities: Submission for OMB Review; 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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by June 7, 2021

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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 Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Health Outcomes Survey; *Use:* The HOS is a longitudinal patient-reported outcome measure (PROM) that assesses self-reported beneficiary quality of life and daily functioning. As a PROM, the HOS measures the impact of services provided by MAOs, whereas process and patient experience measures only provide a snapshot of activities or experiences at a specific point in time. PROM data collected by the HOS allows CMS to continue to assess the health of the Medicare Advantage population. This older population is at increased risk of adverse health outcomes, including chronic diseases and mobility impairments that may significantly hamper quality of life. The HOS supports CMS's commitment to improve health outcomes for beneficiaries while reducing burden on providers. CMS accomplishes this by focusing on high-priority areas for quality measurement and improvement established in the agency's Meaningful Measures Framework. The HOS uses quality measures that ask beneficiaries about health outcomes related to specific mental and Physical Conditions. *Form Number:* CMS–10203 (OMB control number: 0938–0701); *Frequency:* Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 1,485; *Total Annual Responses:* 629,280; *Total Annual Hours:* 201,370. (For policy questions

regarding this collection contact Debra Start at 410–786–6646.)

2. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Evaluating Coverage to Care in Communities; *Use:* The purpose of this study is to extend our understanding from RAND Corporation's prior study of how C2C materials are used. This will be accomplished by assessing what materials best serve partners in their efforts to activate, engage, and empower consumers and how consumers engage with or respond to C2C materials. These data collection efforts will also serve the goals of informing future consumer messaging and creating a long-term feedback loop for maintaining a relevant, successful, and engaging C2C initiative. Initial survey results will be available in early 2022, which may help to fine-tune the strategy for the 2022 relaunch of C2C and will influence strategies and techniques going forward. Further, this study opens the door for a feedback loop that may include future consumer testing to adjust and improve C2C outreach strategies to meet the changing needs of various targeted populations.

The C2C Logic Model serves as the basis of this package. The goal of C2C is to improve the health of all populations, especially vulnerable and newly insured populations, by helping consumers understand their health insurance coverage and connecting individuals to primary care and preventive services. The urgency of achieving this goal is underscored by the COVID–19 pandemic, which has discouraged patients from seeking preventive care and hampered patients from properly managing chronic conditions at a time when preserving emergency room and hospital bed capacity is paramount.

There are three main paths of information dissemination covered by the C2C Logic Model (see Exhibit 1): (a) A direct path to the consumer, (b) a path to the consumer through a partner, and (c) a role for performance measurement in improving performance (*i.e.,* desired effect and how C2C can improve). The partner and consumer surveys in the present evaluation build upon RAND's earlier study by adapting their questions to the C2C Logic Model and using similar survey methodologies in three to four targeted geographic areas known to have received a high volume of C2C materials and messages. These research questions and sub-questions correspond to the short-term and intermediate-term outcomes on the C2C Logic Model. Thus, the foregoing is a reformulation of questions answered by RAND and a consideration of additional questions. *Form Number:* CMS–10632 (OMB control number: 0938–1342); *Frequency:* Yearly; *Affected Public:* Individuals and Households, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 460; *Total Annual Responses:* 460; *Total Annual Hours:* 152. (For policy questions regarding this collection contact Ashley Peddicord-Auston at 410–786–0757.)

Dated: May 4, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–09750 Filed 5–6–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10341]

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: 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–10341 Section 1115 Demonstration Projects Regulations at 42 CFR 431.408, 431.412, 431.420, 431.424, and 431.428

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 a currently approved collection; *Title of Information Collection:* Section 1115 Demonstration Projects Regulations at 42 CFR 431.408, 431.412, 431.420, 431.424, and 431.428; *Use:* This collection is necessary to ensure that states comply with regulatory and statutory requirements related to the development, implementation and evaluation of demonstration projects. States seeking waiver authority under Section 1115 are required to meet certain requirements for public notice, the evaluation of demonstration projects, and reports to the Secretary on the implementation of approved demonstrations. *Form Number:* CMS–10341 (OMB control number: 0938–1162); *Frequency:* Yearly and quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 37; *Total Annual Responses:* 372; *Total Annual Hours:* 27,914. (For policy questions regarding this collection contact Tonya Moore at 410–786–0019.)

Dated: May 4, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–09751 Filed 5–6–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Early Care and Education Leadership Study (ExCELS) Descriptive Study (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE) within the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (DHHS) seeks approval to collect information for the Early Care and Education Leadership Study (ExCELS) Descriptive Study.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ExCELS Descriptive Study is a new information collection to learn about what leadership looks like in center-based early care and education settings serving children whose ages range from birth to age 5, but not yet in kindergarten, and better understand how leadership might improve center quality and outcomes for staff, children, and families. The goals of ExCELS are to (1) develop a short-form measure of early care and education leadership that has strong psychometric properties, and (2) examine empirical support for the associations among key constructs and outcomes in the study's theory of change of early care and education leadership for quality improvement. The study will recruit 120 centers that receive funding from Head Start or the Child Care and Development Fund, ask the primary site leader at the centers to participate in two interviews, and distribute surveys to select center managers and all teaching staff to test hypothesized associations between leadership constructs and outcomes in the study's theory of change.

Respondents: Management and teaching staff from center-based early care and education settings that receive funding from Head Start or the Child Care and Development Fund.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Center recruitment call script	180	1	.33	59	30
Umbrella organization recruitment approval call script	113	1	.33	37	19
Engagement interview guide	150	1	.33	50	25
Staffing structure and leadership positions interview guide	120	1	.50	60	30
Teaching staff roster	120	1	.25	30	15
Center manager survey	240	1	.42	101	51
Teaching staff survey	1,680	1	1	1,680	840

Estimated Total Annual Burden Hours: 1,010.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Authorized by the Head Start Act section 640 [42 U.S.C. 9835] and section 649 [42 U.S.C. 9844]; appropriated by the Continuing Appropriations Act of 2019; the Child Care and Development Block Grant Act of 1990 section 658O [42 U.S.C. 9858], which also provides authority to use this discretionary funding for research; appropriated by the Continuing Appropriations Act of 2019; and the Child Care and Development Block Grant (CCDBG)

Act of 1990 as amended by the CCDBG Act of 2014 (Pub. L. 113–186).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–09664 Filed 5–6–21; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0214]

Proposed Information Collection Activity; Child and Family Services Reviews

AGENCY: Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting reinstatement of the activities associated with the *Child and Family Services Reviews* (CFSR) collection (OMB #0970–0214). Revisions have been made to the forms to clarify instructions and incorporate new guidance. The activities associated with the Title IV–E Foster Care Eligibility Reviews and Anti-Discrimination Enforcement Corrective Action Plans have been removed from this collection.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The following activities are associated with the CFSR collection: CFSR Statewide Assessment, CFSR On-site Review, and the CFSR Program Improvement Plan. The collection of information for review of state child and family services programs (45 CFR 1355.33(b), 1355.33(c) and 1355.35(a)) is to determine whether such programs are in substantial conformity with state plan requirements under titles IV–B and IV–E of the Social Security Act (the Act) and is authorized by section 1123(a) [42 U.S.C. 1320a–2a] of the Act. The CFSR looks at the outcomes related to safety, permanency, and well-being of children served by the child welfare system and at seven systemic factors that support the outcomes. The information collection is needed to monitor state plan requirements under titles IV–B and IV–E of the Act and is required by federal statute. The resultant information will allow ACF to determine if states are in compliance with state plan requirements and are achieving desired outcomes for children and families. If necessary, ACF will require states revise applicable statutes, rules, policies and procedures, and provide proper training to staff, through the development and implementation of program improvement plans. The CFSR reviews not only address conformity with state plan requirements but also assist states in enhancing the capacities to serve children and families. In computing the number of burden hours for this information collection, ACF based the annual burden estimates on ACF's and states' experiences in conducting reviews and developing program improvement plans.

Respondents: State Title IV–E Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
45 CFR 1355.33(b) Statewide Assessment	39	1	120	4,680	1,560
45 CFR 1355.33(c) On-site Review Instrument (OSRI) Stakeholder Interview Guide (SIG)	39	1	1,186	46,254	15,418
45 CFR 1355.35(a) Program Improvement Plan (PIP)	39	1	300	11,700	3,900

Estimated Total Annual Burden Hours: 20,878.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 42 U.S.C 1320a–2a.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–09665 Filed 5–6–21; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Intent To Award a Single-Source Supplement; National Consumer Voice for Quality Long-Term Care

ACTION: Announcing the intent to award a single-source supplement for the National Consumer Voice for Quality Long-Term Care for the National Ombudsman Resource Center cooperative agreement.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by the National Consumer Voice for Quality Long-Term Care for the National Ombudsman Resource Center. The COVID–19 pandemic has significantly impacted residents of long-term care facilities, staff, families, and Long-Term Care Ombudsman programs. During the pandemic the NORC has successfully provided the training, tools and resources for Ombudsman programs to

respond rapidly to this devastating pandemic. This supplemental award will allow NORC to enhance the capacity of LTC Ombudsman programs to address abuse, neglect and exploitation as programs begin to re-enter long-term care facilities. This supplemental is consistent with the Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Capacity of Long-Term Care Ombudsman Programs to Respond to Complaints of Abuse and Neglect of Residents in Long-Term Care Facilities during the COVID–19 Public Health Emergency.

Program Name: National Ombudsman Resource Center.

Recipient: The National Consumer Voice for Quality Long-Term Care.

Period of Performance: The supplement award will be issued for the time period of April 1, 2021-September 30, 2022.

Total Award Amount: $25,000, FY 2021.

Award Type: Cooperative Agreement Supplement.

Statutory Authority: This program is authorized under Section 202 of the Older Americans Act.

Basis for Award: The objective of the National Ombudsman Resource Center is to support credible and effective Long-Term Care Ombudsman programs through the provision of technical assistance and training to state Ombudsman programs and to state agencies on aging. Each year the NORC helps thousands of state and local Ombudsmen through its website, training and webinars and specialized technical assistance. It is the only resource center specialized to provide technical assistance to state Ombudsman programs. In addition, early in the pandemic NORC pivoted to provide relevant tools and training to help Ombudsman programs respond to the pandemic including the toolkit COVID–19 Recover and Re-entry and Trauma-Informed webinars and dialogue to assist Ombudsman programs.

For More Information Contact: For further information or comments regarding this program supplement, contact Louise Ryan, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging (206) 615–2299; email *Louise.Ryan@acl.hhs.gov.*

Date: April 30, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–09661 Filed 5–6–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0913]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; 513(g) Request for Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by June 7, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0705. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

513(g) Request for Information

OMB Control Number 0910–0705—Extension

This information collection supports Agency regulations and accompanying guidance. Section 513(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c(g)) provides a means for obtaining the Agency's views about the classification and regulatory requirements that may be applicable to a particular device. Section 513(g) provides that, within 60 days of the receipt of a written request of any person for information respecting the class in which a device has been classified or the requirements applicable to a device under the FD&C Act, the Secretary of Health and Human Services shall provide such person a written statement of the classification (if any) of such device and the requirements of the FD&C Act applicable to the device. Regulations governing medical device classification procedures are codified under 21 CFR part 860.

The guidance document entitled ''FDA and Industry Procedures for Section 513(g) Requests for Information Under the Federal Food, Drug, and Cosmetic Act; Guidance for Industry and Food and Drug Administration Staff'' [1] establishes procedures for submitting, reviewing, and responding to requests for information respecting the class in which a device has been classified or the requirements applicable to a device under the FD&C Act that are submitted in accordance with section 513(g) of the FD&C Act. FDA does not review data related to substantial equivalence or safety and effectiveness in a 513(g) request for information. FDA's responses to 513(g) requests for information are not device classification decisions and do not constitute FDA clearance or approval for marketing. Classification decisions and clearance or approval for marketing require submissions under different sections of the FD&C Act.

Relatedly, the FD&C Act, as amended by the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), requires FDA to collect user fees for 513(g) requests for information. The guidance document entitled ''User Fees for 513(g) Requests for Information; Guidance for Industry and Food and Drug Administration Staff'' [2] assists FDA staff and regulated industry by describing the user fees associated with 513(g) requests. The Medical Device User Fee Cover Sheet (Form FDA 3601), which accompanies the supplemental material described in this information collection is approved under OMB control number 0910–0511.

In the **Federal Register** of January 13, 2021 (86 FR 2674), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received five comments; however, the comments

[1] *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fda-and-industry-procedures-section-513g-requests-information-under-federal-food-drug-and-cosmetic.*

[2] *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/user-fees-513g-requests-information.*

were not responsive to the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Center for Devices and Radiological Health 513(g) requests	114	1	114	12	1,368
Center for Biologics Evaluation and Research 513(g) requests	4	1	4	12	48
Total					1,416

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: April 26, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–09624 Filed 5–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0336]

Agency Information Collection Activities; Proposed Collection; Comment Request; Quantitative Research on a Voluntary Symbol Depicting the Nutrient Content Claim "Healthy" on Packaged Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, we, or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a new collection of information for a study entitled ''Quantitative Research on a Voluntary Symbol Depicting the Nutrient Content Claim 'Healthy' on Packaged Foods.''

DATES: Submit either electronic or written comments on the collection of information by July 6, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 6, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 6, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0336 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Quantitative Research on a Voluntary Symbol Depicting the Nutrient Content Claim 'Healthy' on Packaged Foods.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as

''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' 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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Quantitative Research on a Voluntary Symbol Depicting the Nutrient Content Claim ''Healthy'' on Packaged Foods

OMB Control Number 0910–NEW

Section 403(r)(1)(A) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343(r)(1)(A)) permits the use of label and labeling claims that characterize the level of a nutrient in a food when the claims are made in accordance with FDA's regulations. Such claims are referred to as ''nutrient content claims.'' We have issued regulations under section 403(r)(1)(A) of the FD&C Act defining ''implied nutrient content claims'' as those that imply that a food, because of its nutrient content, may be useful in achieving a total diet that conforms to current dietary recommendations (''Food Labeling: Nutrient Content Claims, General Principles, Petitions, Definition of Terms,'' 58 FR 2302 at 2374, January 6, 1993). We have determined that a claim that a food, because of its nutrient content, may be useful in maintaining healthy dietary practices is clearly a claim that characterizes the level of nutrients in that food. The claim is essentially saying that the level of nutrients in the food is such that the food will contribute to good health (58 FR 2302 at 2375). In 1994, we issued a definition of ''healthy'' as an implied nutrient content claim (59 FR 24232, May 10, 1994); the regulation is codified at 21 CFR 101.65(d)(2).

In 2018, we announced our Nutrition Innovation Strategy (*https://www.fda.gov/food/food-labeling-nutrition/fda-nutrition-innovation-strategy*) outlining key priorities the Agency intended to pursue to reduce the burden of chronic disease through improved nutrition and advance its public health mission. To help advance these goals, we are exploring the development of a graphic symbol to help consumers identify packaged food products that meet FDA's definition of ''healthy.'' The symbol would be a graphic representation of the nutrient content claim ''healthy'' and, like the implied nutrient content claim ''healthy'' itself, would be voluntary for packaged food companies. Companies could voluntarily use the symbol on food products that meet FDA's definition of ''healthy.''

In 2019 and 2020, FDA conducted a review of the literature on front-of-package (FOP) nutrition-related symbols and conducted a series of focus groups to test symbol concepts and draft FOP symbols (see Docket No. FDA–2021–N–0336 for a table of draft FOP symbols and the literature review).

As part of its efforts to promote public health, FDA proposes to conduct three consecutive quantitative research studies—an experimental study and two surveys—to explore consumer responses to the draft FOP symbols that manufacturers could voluntarily use on a food product as a graphic representation of the nutrient content claim ''healthy.'' If research results suggest the need, the symbols will be fine-tuned following the experimental study and again fine-tuned following each survey. The first study will be a controlled, randomized experiment (hereafter called Study 1). Study 1 will use a 15-minute web-based questionnaire to collect information from 5,000 U.S. adult members of an online consumer panel maintained by a contractor. The surveys, Studies 2 and 3, will each utilize the same instrument, a 10-minute questionnaire, to test sets of draft FOP symbols. Studies 2 and 3 will each draw a sample of 1,000 U.S. adult participants from an online consumer panel.

Conditions for Study 1 will be: (1) A set of draft FOP symbols, including ''no-symbol'' controls; (2) three types of mock food products (*i.e.,* a breakfast cereal, a frozen meal, and a canned soup); (3) a ''no-information'' condition where no explanation of the symbol is provided; and; (4) a Uniform Resource Locator (URL) condition, in which a URL is tested alongside the symbol. Each participant in Study 1 will be randomly assigned to a condition, which will include viewing a label image and responding to various measures of the symbol's effectiveness. Product perceptions (*e.g.,* healthfulness and contribution to a healthy diet), label perceptions (*e.g.,* believability and trustworthiness), and purchase/choice questions will constitute the measures of response in the experiment. The instrument will also collect information from participants about their history of purchasing or consuming similar products; nutrition knowledge; dietary interests; motivation regarding label use; health status; and demographic characteristics.

Studies 2 and 3 will utilize non-probability survey methods, using a web-based panel to draw a sample of U.S. adults ages 18 and older who self-identify as primary food shoppers. The sample will be balanced to the demographics of the U.S. population. The survey instruments will focus on clarity, relevance, and appeal of a small subset of revised symbols.

The studies are part of our continuing effort to enable consumers to make

informed dietary choices and construct healthful diets. We intend to use the results to inform our continued exploration of a symbol manufacturers could voluntarily use to represent the nutrient content claim ''healthy'' on the food label. We will not use the results to develop population estimates.

Description of Respondents: Respondents to this collection of information include members of the general public.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Study 1 (Experiment) Cognitive interview screener.	75	1	75	0.083 (5 minutes)	6
Study 2 (Survey) Cognitive interview screener [2]	75	1	75	0.083 (5 minutes)	6
Study 1 (Experiment) Cognitive interview	9	1	9	1	9
Study 2 (Survey) Cognitive interview	5	1	5	1	5
Study 1 (Experiment) Pretest	180	1	180	0.25 (15 minutes)	45
Study 2 (Survey) Pretest [2]	25	1	25	0.17 (10 minutes)	4
Study 1 (Experiment)	5,000	1	5,000	0.25 (15 minutes)	1,250
Study 2 (Survey)	1,000	1	1,000	0.17 (10 minutes)	170
Study 3 (Survey)	1,000	1	1,000	0.17 (10 minutes)	170
Total					1,665

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Since Study 3 is identical to Study 2, only one set of cognitive interviews and pretests are needed.

Dated: April 30, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–09622 Filed 5–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0357]

Pharmacy Compounding Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) announces a forthcoming public advisory committee meeting of the Pharmacy Compounding Advisory Committee. The general function of the committee is to provide advice on scientific, technical, and medical issues concerning drug compounding under the Federal Food, Drug, and Cosmetic Act (FD&C Act), and, as required, any other product for which FDA has regulatory responsibility, and to make appropriate recommendations to the Agency. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on June 9, 2021, from 10 a.m. to 5:05 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0357. The docket will close on June 8, 2021. Submit either electronic or written comments on this public meeting by June 8, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 8, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 8, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before May 26, 2021, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0357 for ''Pharmacy Compounding Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Takyiah Stevenson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 240–402–2507, Fax: 301–847–8533, email: *PCAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Background: Section 503A of the FD&C Act (21 U.S.C. 353a) describes the conditions that must be satisfied for human drug products compounded by a licensed pharmacist in a State licensed pharmacy or a Federal facility, or a licensed physician, to be exempt from the following three sections of the FD&C Act: (1) Section 501(a)(2)(B) (21 U.S.C. 351(a)(2)(B)) (concerning current good manufacturing practice); (2) section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use); and (3) section 505 (21 U.S.C. 355) (concerning the approval of human drug products under new drug applications or abbreviated new drug applications).

Section 503B of the FD&C Act (21 U.S.C. 353b) describes the conditions that must be satisfied for drug products compounded in an outsourcing facility to be exempt from (1) section 502(f)(1), (2) section 505, and (3) section 582 (21 U.S.C. 360eee–1) (concerning drug supply chain security requirements) of the FD&C Act.

One of the conditions that must be satisfied for a drug product to qualify for the exemptions under section 503A of the FD&C Act is that the licensed pharmacist or licensed physician compounds the drug product using bulk drug substances (as defined in 21 CFR 207.3) that: (1) Comply with the standards of an applicable United States Pharmacopoeia (USP) or National Formulary monograph, if a monograph exists, and the USP chapter on pharmacy compounding; (2) if an applicable monograph does not exist, are drug substances that are components of drugs approved by the Secretary of Health and Human Services (the Secretary); or (3) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under section 503A(c) of the FD&C Act (the ''503A Bulks List'') (see section 503A(b)(1)(A)(i) of the FD&C Act).

One of the conditions that must be satisfied to qualify for the exemptions under section 503A or section 503B of the FD&C Act is that the drug that is compounded does not appear on a list published by the Secretary of drugs that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective (''Withdrawn or Removed List'') (see sections 503A(b)(1)(C) and 503B(a)(4) of the FD&C Act). The Withdrawn or Removed List is codified at 21 CFR 216.24.

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss the following four bulk drug substances nominated for inclusion on the 503A Bulks List: Choline chloride, oxitriptan (also known as 5-hydroxytryptophan or 5–HTP), melatonin, and methylcobalamin. The chart below identifies the use(s) FDA reviewed for each of the four bulk drug substances being discussed at this advisory committee meeting. The nominators of these substances or another interested party will be invited to make a short presentation supporting the nomination.

Bulk drug substance	Uses evaluated
Choline Chloride	Liver diseases (including hepatic steatosis and non-alcoholic fatty liver disease). Atherosclerosis. Fetal alcohol spectrum disorder. Supplementation in long-term total parenteral nutrition.

Bulk drug substance	Uses evaluated
Melatonin	Treatment of sleep disorders in patients with autism spectrum disorder (specifically children and adolescents).
Methylcobalamin	Amyotrophic lateral sclerosis (also known as ALS). Pain management. Peripheral neuropathy (including diabetic neuropathy). Inborn errors of metabolism (also known as genetic metabolic disorders) (including methylenetetrahydrofolate reductase deficiency (also known as MTHFR)). Hyperhomocysteinemia (including conjunctive therapy in hemodialysis patients). Vitamin B12 deficiency. Autism spectrum disorder.
Oxitriptan (5–HTP)	Treatment for patients with tetrahydrobiopterin (BH4) deficiency.

The committee will also discuss revisions FDA is considering to the Withdrawn or Removed List. FDA now is considering whether to amend the rule to add one more entry to the list: Neomycin Sulfate: All parenteral drug products containing neomycin sulfate (except for ophthalmic or otic use, or when combined with polymyxin B sulfate for irrigation of the intact bladder). As previously explained in the **Federal Register** of July 2, 2014 (79 FR 37687 at 37689 through 37690), the list may specify that a drug may not be compounded in any form, or, alternatively, may expressly exclude a particular formulation, indication, dosage form, or route of administration from an entry on the list. Moreover, a drug may be listed only with regard to certain formulations, indications, routes of administration, or dosage forms because it has been found to be unsafe or not effective in those particular formulations, indications, routes of administration, or dosage forms. FDA plans to seek the committee's advice concerning the inclusion of this drug product on the list.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting. *Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before May 26, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 11 a.m. to 11:15 a.m., 12:25 p.m. to 12:40 p.m., 2:15 p.m. to 2:30 p.m., 3:35 p.m. to 3:50 p.m., and 4:40 p.m. to 4:55 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 17, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 18, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Takyiah Stevenson (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 3, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–09621 Filed 5–6–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1414]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Class II Special Controls Guidance Document: Labeling Natural Rubber Latex Condoms

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by June 7, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0633. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three

White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms—21 CFR 884.5300 OMB Control Number 0910–0633—Extension

Under the Medical Device Amendments of 1976 (Pub. L. 94–295), class II devices were defined as those devices for which there was insufficient information to show that general controls themselves would provide a reasonable assurance of safety and effectiveness but for which there was sufficient information to establish performance standards to provide such assurance. Accordingly, FDA has established the above captioned special controls guidance document regarding the labeling of natural rubber latex condoms.

Condoms without spermicidal lubricant containing nonoxynol 9 are classified in class II. They were originally classified before the enactment of provisions of the Safe Medical Devices Act of 1990 (Pub. L. 101–629), which broadened the definition of class II devices and now permits FDA to establish special controls beyond performance standards, including guidance documents, to help provide reasonable assurance of the safety and effectiveness of such devices.

In December 2000, Congress enacted Public Law 106–554, which directed FDA to ''reexamine existing condom labels'' and ''determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness in preventing sexually transmitted diseases . . .'' In response, FDA recommended labeling intended to provide important information for condom users, including the extent of protection provided by condoms against various types of sexually transmitted diseases.

Respondents to this collection of information are manufacturers and repackagers of male condoms made of natural rubber latex without spermicidal lubricant. FDA expects approximately five new manufacturers or repackagers to enter the market yearly and to collectively have a third-party disclosure burden of 60 hours. Our assumption of the burden per disclosure is based on our history with the information collection. Because the packaging requirements for condoms are similar to those of many over-the-counter (OTC) drugs, we believe the burden to design the labeling for OTC drugs is an appropriate proxy for the estimated burden to design condom labeling.

The special controls guidance document also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

The collection of information under 21 CFR 801.437 does not constitute a ''collection of information'' under the PRA. Rather, it is a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

In the **Federal Register** of January 4, 2021 (86 FR 109), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
''Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms Classified Under 21 CFR 884.5300''	5	1	5	12	60

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: May 3, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–09620 Filed 5–6–21; 8:45 am]

BILLING CODE 4164–01–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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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; Small Business Innovation Research (SBIR) Phase II Program Contract Solicitation (PHS 2018–1) QrumPharma Topic 051: Inhaled Delivery of Clofazimine (CFZ).

Date: May 28, 2021.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Cynthia L. De La Fuente, 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 3G31, Rockville, MD 20852, 240–669–2740, *delafuentecl@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: May 4, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09746 Filed 5–6–21; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.

Date: June 3–4, 2021.

Time: 9:00 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: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cell Signaling and Molecular Endocrinology.

Date: June 4, 2021.

Time: 9:30 a.m. to 10:30 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: Elaine Sierra-Rivera, Ph.D., IRG Chief, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301–435–2514, *riverase@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Guided Interventions and Surgery Study Section.

Date: June 10–11, 2021.

Time: 9:00 a.m. to 8:00 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: Ileana Hancu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, Bethesda, MD 20817, (301) 402–3911, *ileana.hancu@nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Behavioral Neuroendocrinology, Neuroimmunology, Rhythms, and Sleep Study Section.

Date: June 15–16, 2021.

Time: 8:00 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: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *selmanom@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Mechanisms of Memory and Sound Processing.

Date: June 16, 2021.

Time: 10:30 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: Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451.4251, *Armaz.aschrafi@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: May 4, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09742 Filed 5–6–21; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

Date: June 4, 2021

Time: 8:30 a.m. to 8:00 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: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: June 8–9, 2021.

Time: 10:00 a.m. to 8:00 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: Steven Michael Frenk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, (301) 480–8665, *frenksm@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

Date: June 9–11, 2021.

Time: 10:00 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: Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: June 9–11, 2021.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Mechanisms of Cancer Therapeutics—1 Study Section.

Date: June 9–11, 2021.

Time: 3:00 p.m. to 8:00 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: Maria Dolores Arjona Mayor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 806D, Bethesda, MD 20892, (301) 827–8578, *dolores.arjonamayor@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: May 3, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09687 Filed 5–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; 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 Center for Complementary and Integrative Health Special Emphasis Panel; Institutional Research Training Grants (IT).

Date: June 3rd, 2021.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NCCIH, Democracy II 6707 Democracy Blvd., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Patrick Colby Still, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, *patrick.still@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: May 4, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09744 Filed 5–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public via NIH Videocast. The URL link to this meeting is *https://videocast.nih.gov/watch=41903.* Individuals who need special assistance or reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: June 24, 2021.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: OAR Director's Report; updates from the Clinical Guidelines Working Groups of OARAC; updates from NIH HIV-related advisory councils; presentations on the NIH UNITE initiative to end structural racism and future directions of HIV/AIDS basic science research; and public comment.

Place: Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E61, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mary T. Glenshaw, Ph.D., MPH, Office of AIDS Research, Office of the Director, NIH, 5601 Fishers Lane, Room 2E61, Rockville, MD 20852, 240–669–2958, *OARACInfo@nih.gov.*

Any interested person may file written comments with the committee within 15 days of the meeting by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 4, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09747 Filed 5–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF MENTAL HEALTH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Mental Health.

Date: June 1–3, 2021.

Time: June 1, 2021, 11:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: PORTER NEUROSCIENCE RESEARCH CENTER, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Time: June 2, 2021, 11:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: PORTER NEUROSCIENCE RESEARCH CENTER, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Time: June 3, 2021, 2:20 p.m. to 6:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: PORTER NEUROSCIENCE RESEARCH CENTER, Building 35A, 35 Convent Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jennifer E Mehren, Ph.D., Scientific Advisor, Division of Intramural Research Programs, National Institute of Mental Health, NIH, 35A Convent Drive, Room GE 412, Bethesda, MD 20892–3747, 301–496–3501, *mehrenj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 4, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09745 Filed 5–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed 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 on Drug Abuse Special Emphasis Panel; Digital Technologies to Address the Social Determinants of Health in Context of Substance Use Disorders (SUD) (R41/R42/R43/R44).

Date: June 4, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Trinh T. Tran, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5843, *trinh.tran@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Novel Approaches to Decrease Stigma of Substance Use Disorders in order to Facilitate Prevention, Treatment, and Support During Recovery (R41/R42/R43/R44).

Date: June 7, 2021.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Trinh T. Tran, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5843, *trinh.tran@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; America's Startups and Small Businesses Build Technologies to Stop the Opioid Epidemic (R43/R44/R41/R42—Clinical Trial Optional).

Date: June 17–18, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5819, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Career Development and Education SEP (K99/R00 and R25).

Date: June 29–30, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sindhu Kizhakke Madathil, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5702, *sindhu.kizhakkemadathil@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 4, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–09743 Filed 5–6–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2021–0183]

Modernization of Coast Guard Base Seattle; Preparation of Programmatic Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent to prepare a Programmatic Environmental Impact Statement; notice of virtual scoping; and request for comments.

SUMMARY: The United States Coast Guard, as the lead agency, announces its intent to prepare a Programmatic Environmental Impact Statement (PEIS). The PEIS will evaluate the potential environmental consequences of the Coast Guard's Proposed Action to expand and modernize Coast Guard Base Seattle in Seattle, Washington. Notice is hereby given that the public scoping process has begun for the preparation of a PEIS for the Proposed Action. The purpose of the scoping process is to solicit public comments regarding the range of issues, information, and analyses relevant to the Proposed Action, including potential environmental impacts and reasonable alternatives to address in the PEIS. This PEIS is being prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 and the regulations implemented by the Council on Environmental Quality. The Coast Guard has determined that a PEIS is the most appropriate type of NEPA document for this action because the Proposed Action is anticipated to occur over several years, and many of the site-specific project details are not known. This notice also notifies the public that the Coast Guard intends to host a web-based, web-based project site to provide additional information to the public and to solicit comments on potential issues, concerns, and reasonable alternatives that should be considered in the PEIS.

Following the scoping period, a Draft PEIS will be prepared and ultimately circulated for public comment.

DATES: Public Scoping comments and related material must be post-marked or received by the Coast Guard on or before June 21, 2021. A representative will respond to substantive and relevant questions submitted via *https://virtual.woodplc.com/VirtualSpace/102907,* or emailed to *BaseSeattlePEIS@uscg.mil,* during normal business hours (Pacific Standard Time) between May 7, 2021–June 14, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0183 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Scoping Process'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. A virtual scoping tool will be available at *https://virtual.woodplc.com/VirtualSpace/102907.* If electronic comments cannot be submitted, written comments can be sent to: U.S. Coast Guard, Shore Infrastructure Logistics Center, Environmental Management Division, Attn: Mr. Dean Amundson, 1301 Clay Street, Suite 700N, Oakland, CA 94612–5203.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Dean Amundson, Coast Guard; telephone 510–637–5541, *BaseSeattlePEIS@uscg.mil.*

SUPPLEMENTARY INFORMATION: This Notice of Intent briefly summarizes the proposed project, including the purpose and need and possible alternatives. As required by the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500–1508, specifically § 1502.3), a Federal agency must prepare an EIS if it is proposing a major Federal action to analyze the environmental consequences of implementing each of the alternatives, if carried forward for full review following public scoping, by assessing the effects of each alternative on the human environment.

Purpose and Need for the Proposed Action

Base Seattle supports, and will continue to support, the Coast Guard's execution of its statutory missions, pursuant to 14 U.S.C. 102. The Coast Guard's Base Seattle is located on Puget Sound in Seattle, Washington. The Base serves as the homeport for several Coast Guard cutters and provides a full range of support functions for vessels and Coast Guard missions in the Pacific Northwest and Polar areas of operation.

The purpose of the Proposed Action is to provide adequate facilities and infrastructure at Base Seattle to support current and future execution of the Coast Guard's statutory missions. Base Seattle is the largest Coast Guard facility in the Pacific Northwest and is an essential facility to support Coast Guard missions in the Pacific Northwest and Polar regions now and for the foreseeable future. To continue to support Coast Guard mission execution throughout these regions, expansion and extensive modernization of Base Seattle is required.

The need for the Proposed Action is to address substantial existing deficiencies in facilities and infrastructure at Base Seattle that hinder the efficient execution of Coast Guard missions, as well as provide facility enhancements necessary to support current and future major cutters homeported at Base Seattle. Three new Polar Security Cutters are planned to be homeported at Base Seattle. In addition, one existing icebreaker—CGC HEALY—is expected to remain at Base Seattle, and up to four other major cutters may be homeported at Base Seattle in the future, replacing two existing high endurance cutters. Advances in major cutter technology require infrastructure enhancements and renovations to accommodate the increased size and shore-side support requirements associated with these advanced operating assets. The Coast Guard has identified deficiencies that include, but are not limited to, a lack of adequate land area, incompatible land uses, shortage of berthing capacity, out of date and inadequate facilities and infrastructure, and traffic congestion and parking shortfalls, as well as the need for improved resiliency in the event of natural disasters, and improved physical security capabilities.

Modernization and renovation efforts would ensure operational and mission support requirements are properly provided for and would enhance the resiliency and long-term sustainability of Base Seattle facilities and infrastructure. Planning with future mission flexibility in mind also minimizes the need for costly future infrastructure modifications and resulting environmental impacts.

Preliminary Proposed Action and Alternatives

Coast Guard has identified a Proposed Action and preliminary Alternatives for potential consideration in the PEIS. A No-Action and three preliminary, reasonable Action Alternatives are presented for consideration for public review and comment. The Proposed Action would expand Base Seattle and modernize existing facilities and infrastructure over approximately the next 10 years.

Actions Common to All Alternatives

All three Action Alternatives include several common actions, including the following:

- Demolishing existing, deficient buildings 1, 2, 2 Annex, 10, and 12, and consolidating the functions of these buildings into a new 3-story, approximately 36,000 square foot Mission Support Building, and a new 5-story, approximately 75,000-square-foot Base Administration Building.
- Rehabilitating or rebuilding Building 7 and a small area of Terminal 46 to meet current needs, as well as building codes and seismic standards, and other potential seismic stabilization throughout the Base.
- Upgrading the main gate of the Base and the security fencing and functions, including expanding fencing to incorporate any newly acquired property.
- Modernizing communications, electrical, natural gas, sanitary sewer, potable water, and storm sewer utilities, and realigning these utilities to correspond with the development pattern under each of the alternatives.
- Realigning parking, roadways, walkways, and landscaping to correspond with the development pattern under each of the alternatives.

The three Action Alternatives differ in the amount of land proposed for acquisition.

Alternative 1—Modernization With Land Acquisition at Terminal 46

Under Alternative 1, the Coast Guard would acquire approximately 54.1 acres from the Port of Seattle, consisting of a currently leased, approximately 1.1 acre parcel within the existing Base footprint and up to 53 acres of Terminal 46. This alternative would include acquisition of two existing berths at Terminal 46.

Alternative 2—Modernization With Land Acquisition at Terminals 30 and 46

Under Alternative 2, the Coast Guard would acquire approximately 21.5 acres from the Port of Seattle, consisting of two currently leased properties within the existing Base footprint, totaling approximately 2.2 acres, approximately 0.3 acre Burlington-North Santa Fe (BNSF) property, approximately 5.5 acres of Terminal 46, and approximately 13.5 acres of Terminal 30. This alternative would allow for

development of one new berth on current Coast Guard property and one new berth on acquired property at Terminal 30.

Alternative 3—Modernization With Reduced Land Acquisition at Terminal 46

Under Alternative 3, the Coast Guard would acquire approximately 24.25 acres from the Port of Seattle, including two currently leased properties within the existing Base footprint, totaling approximately 2.2 acres, approximately 0.3 acre BNSF property, and approximately 21.75 acres of Terminal 46. This alternative would allow for development of one new berth on current Coast Guard property and include acquisition of one existing berth at Terminal 46.

No-Action Alternative

The Coast Guard will also analyze a No-Action Alternative. For the purposes of this PEIS, the No-Action Alternative is defined as not implementing Base expansion and facility and infrastructure modernization requirements. This would result in a loss of operational capabilities.

Scope of Analysis for the PEIS

The Coast Guard is proposing to undertake a removal action at Base Seattle pursuant to Comprehensive Environmental Response, Compensation, and Liability Act actions (CERCLA) (42 United States Code 9601) in conjunction with the U.S. Environmental Protection Agency, to address known contamination. The Coast Guard will not make a decision on any CERCLA actions since they fall outside of the scope of a NEPA analysis, consistent with 40 CFR 1501.1(a)(6). The impacts of any current and potential future CERCLA projects will be considered within the baseline of the affected environment under the PEIS.

Summary of Expected Impacts

Acoustic and physical stressors associated with the Proposed Action may potentially impact the physical and biological environment in and around Base Seattle. The primary potential physical stressor is from the construction and operation of facilities and infrastructure. Stressors associated with the Proposed Action may potentially impact air quality, ambient sound, biological resources (including critical habitat), coastal resources, cultural resources (including Tribal fishing rights), traffic and circulation, and socioeconomic resources.

The PEIS will evaluate the likelihood that a resource would be exposed to or encounter a stressor and identify the potential impact associated with that exposure or encounter. The likelihood of an exposure or encounter is based on the stressor, location, and timing relative to the spatial and temporal distribution of each biological resource or critical habitat. Most work associated with the proposed action would occur on shore and could potentially affect terrestrial resources; there is the potential for some in-water activities that could affect aquatic resources.

Anticipated Permits and Authorizations

The Proposed Action is programmatic in nature and specific projects are anticipated to occur over the next decade. Many of the site-specific project details are not known. As such, permits and authorizations will be identified in the PEIS. Certain approvals may be completed as part of the PEIS, but many of the specific permits and authorizations would not necessarily be issued for site-specific projects until they are programmed, funded, and design details are developed. Implementation of all alternatives will ultimately require compliance with the following laws and regulations through issuance of permits and/or authorizations:

The Coastal Zone Management Act (CZMA; 16 U.S.C. 1451 *et seq.*) was enacted to protect the coastal environment from demands associated with residential, recreational, and commercial uses. The Coast Guard would determine the impact of the Proposed Action and provide a Coastal Consistency Determination or Negative Determination to the Washington Department of Ecology for the proposed modernization activities at Base Seattle.

The Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 *et seq.*) provides for the conservation of endangered and threatened species and the ecosystems on which they depend. The Coast Guard anticipates engaging with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, pursuant to Section 7 of the ESA, which have jurisdiction over ESA-listed species and critical habitat (50 CFR 402.14(a)). Project specific consultation under Section 7 may not necessarily occur until a later date when site specific project details are known.

The Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) regulates ''take'' of marine mammals in U.S. waters. The term ''take'' as defined in Section 3 (16 U.S.C. 1362) of the MMPA, means ''to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.'' ''Harassment'' was further defined in the 1994 amendments to the MMPA as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (*i.e.,* Level A Harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (*i.e.,* Level B Harassment). The Coast Guard anticipates engaging with the National Marine Fisheries Service although actual authorization for potential Level B Harassment from construction activities may not necessarily occur until a later date when site specific project details are known.

The Clean Water Act (33 U.S.C. 1251, *et seq.*), Section 404 regulates the discharge of dredged or fill material into waters of the United States and the Rivers and Harbors Act (33 U.S.C. 403), Section 10 regulates the obstruction or alteration of navigable waters of the United States. The Coast Guard anticipates that a very limited amount of work conducted as part of the Proposed Action may require a permit from the Corps of Engineers under either the Clean Water Act or Rivers and Harbors Act. Actual authorization for permits will be obtained, if necessary, once site specific project details are known.

The National Historic Preservation Act (NHPA; 16 U.S.C. 470, *et seq.*), Section 106, requires that each federal agency identify and assess the effects its actions may have on historic resources, including potential effects on historic structures, archaeological resources, and tribal resources. The Coast Guard would determine if any historic resources are present in the project area, evaluate the potential for the proposed action to adversely affect these resources, and consult with the Washington State Historic Preservation Officer and any interested or affected Tribes to resolve any adverse effects by developing and evaluating alternatives or measures that could avoid, minimize, or mitigate impacts.

The Clean Air Act (42 U.S.C. 7401, *et seq.*) regulates emissions from both stationary (industrial) sources and mobile sources. The Coast Guard would evaluate the potential for increased emissions during construction and operation of modernized facilities to determine if the emissions would be in conformity with the State Implementation Plan for attainment of National Ambient Air Quality Standards.

In addition, Coast Guard will complete Consultation with all affected Federally Recognized Tribes on a

government-to-government basis in accordance with Executive Order 13175.

Schedule for the Decision-Making Process

Following the scoping period announced in this Notice of Intent, and after consideration of all comments received during scoping, Coast Guard will prepare a Draft PEIS for the expansion and modernization of Base Seattle. Once the Draft PEIS is completed, it will be made available for a 45-day public review and comment period. Coast Guard will announce the availability of the Draft PEIS in the **Federal Register** and local media outlets. Coast Guard expects the Draft PEIS will be available for public review and comment in 2021. In meeting CEQ regulations requiring EISs to be completed within 2 years the Coast Guard anticipates the Final PEIS would be available in 2022. Availability of the Final PEIS would be published in the **Federal Register**. If approved, land acquisition would be expected to occur soon after completion of this PEIS, with the first rehabilitation projects, construction projects, or both, expected to begin as early as 2022. Because construction details and designs are not available at this time, new information may become available after the completion of the PEIS. Should new information become available after the completion of the Draft or Final PEIS, supplemental NEPA documentation may be prepared in support of new information or changes in the Proposed Action considered under the PEIS.

Public Scoping Process

The Notice of Intent initiates the scoping process, which guides the development of the PEIS. The Coast Guard is seeking comments on the potential environmental impacts that may result from the Proposed Action or preliminary Alternatives. The Coast Guard is also seeking input on relevant information, studies, or analyses of any kind concerning impacts potentially affecting the quality of the human environment as a result of the Proposed Action. NEPA requires federal agencies to consider environmental impacts that may result from a Proposed Action, to inform the public of potential impacts and alternatives, and to facilitate public involvement in the assessment process. The PEIS would include, among other topics, discussions of the purpose and need for the Proposed Action, a description of alternatives, a description of the affected environment, and an evaluation of the environmental impact of the Proposed Action and alternatives.

The Coast Guard intends to follow the CEQ regulations implementing NEPA (40 CFR 1500 et. seq.) by scoping through public comments. Scoping, which is integral to the process for implementing NEPA, provides a process to ensure that (1) issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the Draft PEIS is thorough and balanced; and (4) delays caused by an inadequate PEIS are avoided.

Public scoping is a process for determining the scope of issues to be addressed in this PEIS and for identifying the issues related to the Proposed Action that may have a significant effect on the environment. The scoping process begins with publication of this notice. The Coast Guard seeks to do the following during the scoping process:

- Invite the participation of Federal, State, and local agencies, any affected Indian tribe, and other interested persons;
- Consult with affected Federally Recognized Tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Native American concerns, including potential impacts on Treaty rights, Indian trust assets, and cultural resources, will be given appropriate consideration;
- Determine the scope and the issues to be analyzed in depth in the PEIS;
- Indicate any related environmental assessments or environmental impact statements that are not part of the PEIS;
- Identify other relevant environmental review and consultation requirements, such as Coastal Zone Management Act consistency evaluations, and threatened and endangered species and habitat impacts; and
- Indicate the relationship between timing of the environmental review and other aspects of the application process.

With this Notice of Intent, Federal, State, Tribal, and local agencies with jurisdiction or special expertise with respect to environmental issues in the project area are asked to formally cooperate with the Coast Guard in the preparation of the PEIS.

Once the scoping process is complete, Coast Guard will prepare a Draft PEIS and will publish a **Federal Register** notice announcing its public availability. The public will be provided with an opportunity to review and comment on the Draft PEIS. After Coast Guard considers those comments, the Final PEIS will be prepared and its availability similarly announced to solicit public review and comment. Comments received during the Draft PEIS review period will be available in the public docket and made available in the Final PEIS.

Pursuant to the CEQ regulations, Coast Guard invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

The 45-day public scoping period begins May 7, 2021 and ends June 21, 2021. Comments and related material submitted to the online docket via *https://www.regulations.gov/* must be received by the Coast Guard on or before June 21, 2021, and mailed submission, must be postmarked on or before that same date.

We encourage you to submit specific, timely, substantive, and relevant comments through the Federal portal at *http://www.regulations.gov,* on the site provided when searching the above docket number or searching for ''Base Seattle PEIS.'' If comments cannot be submitted using *http://www.regulations.gov,* contact the Base Seattle Environmental Planning Program Manager at 510–637–5541 for additional help.

In submissions, please include the docket number for this Notice of Intent and provide reasoning for comments. To be considered timely, comments must be received on or before June 21, 2021 to be considered in the Draft PEIS. Comments mailed to the contact above must be postmarked by June 21, 2021. We will consider all substantive and relevant comments received during the comment period.

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

We review all comments received, but we will only post comments that address the topic of the notice. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Documents mentioned in this Notice of Intent as being available in the docket, and posted public comments, will be in the online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions.

Virtual Public Involvement

Consistent with CEQ's recently issued scoping regulation, 40 CFR 1501.9, the Coast Guard will host a web-based

project site to provide additional information to the public on the Proposed Action and alternatives. Website visitors will be able to access relevant information via presentations, site maps, and project summaries, as well as submit questions and view responses to Frequently Asked Questions. Substantive and relevant questions will be answered during normal business hours (Pacific Standard Time) from May 7, 2021 through June 14, 2021. The web-based project site will be available at *https://virtual.woodplc.com/VirtualSpace/102907.* Formal Submission of Public comments must be submitted to the docket, or by mail, as previously described under the Public Scoping section.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this Proposed Action.

Dated: April 30, 2021.

Carola J. List,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Engineering and Logistics.

[FR Doc. 2021–09523 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2129]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 5, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2129, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Larimer County, Colorado and Incorporated Areas Project: 19–08–0002S Preliminary Date: January 26, 2021	
City of Fort Collins	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.
City of Loveland	Public Works Department, 2525 West 1st Street, Loveland, CO 80537.
Town of Estes Park	Town Hall, 170 MacGregor Avenue, Estes Park, CO 80517.
Town of Johnstown	Town Hall, 450 South Parish Avenue, Johnstown, CO 80534.
Town of Timnath	Town of Timnath Map Repository, TST Inc., 748 Whalers Way, Fort Collins, CO 80525.
Town of Wellington	Town Hall, 3735 Cleveland Avenue, Wellington, CO 80549.
Unincorporated Areas of Larimer County	Larimer County Courthouse, Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.
Montour County, Pennsylvania (All Jurisdictions) Project: 15–03–0227S Preliminary Date: October 30, 2020	
Borough of Danville	Municipal Building, 463 Mill Street, Danville, PA 17821.
Township of Mahoning	Township of Mahoning Municipal Building, 849 Bloom Road, Danville, PA 17821.
Dallas County, Texas and Incorporated Areas Project: 20–06–0070S Preliminary Date: November 13, 2020	
City of Carrollton	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.
City of Cedar Hill	Public Works Department, 285 Uptown Boulevard, Cedar Hill, TX 75104.
City of Combine	City Hall, 123 Davis Road, Combine, TX 75159.
City of Coppell	City Engineering Department, 265 East Parkway Boulevard, Coppell, TX 75019.
City of Dallas	Dallas Water Utilities, Stormwater Operations, 320 East Jefferson Boulevard, Room 312, Dallas, TX 75203.
City of Duncanville	Public Works Department, 203 East Wheatland Road, Duncanville, TX 75116.
City of Farmers Branch	Public Works Department, 13000 William Dodson Parkway, Farmers Branch, TX 75234.
City of Grand Prairie	Municipal Complex, Stormwater Department, 300 West Main Street, Grand Prairie, TX 75050.
City of Hutchins	City Hall, 321 North Main Street, Hutchins, TX 75141.
City of Irving	Capital Improvement Program Department, 825 West Irving Boulevard, Irving, TX 75060.
City of Lancaster	Development Services, 700 East Main Street, Lancaster, TX 75146.
City of Mesquite	Engineering Division, 1515 North Galloway Avenue, Mesquite, TX 75149.
City of Seagoville	City Hall, 702 North Highway 175, Seagoville, TX 75159.
City of University Park	University Park Community Development Department, 4420 Worcola Street, Dallas, TX 75206.
City of Wilmer	Public Works Department, 128 North Dallas Avenue, Wilmer, TX 75172.
Town of Addison	Service Center, Public Works and Engineering, 16801 Westgrove Drive, Addison, TX 75001.
Town of Sunnyvale	Development Services Department, 127 North Collins Road, Sunnyvale, TX 75182.
Unincorporated Areas of Dallas County	Dallas County Public Works Department, 411 Elm Street, 4th Floor, Dallas, TX 75202.
Tarrant County, Texas and Incorporated Areas Project: 20–06–0071S Preliminary Date: November 13, 2020	
City of Arlington	City Hall, 101 West Abram Street, Arlington, TX 76010.
City of Bedford	Engineering Department, 1805 L. Don Dodson Drive, Bedford, TX 76021.
City of Benbrook	City Hall, 911 Winscott Road, Benbrook, TX 76126.
City of Colleyville	Public Works—Engineering Division, 100 Main Street, 2nd Floor, Colleyville, TX 76034.
City of Dalworthington Gardens	City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, TX 76016.
City of Euless	City Hall, 201 North Ector Drive, Euless, TX 76039.
City of Forest Hill	City Hall, 3219 California Parkway, Forest Hill, TX 76119.
City of Fort Worth	Department of Transportation and Public Works, 200 Texas Street, 2nd Floor, Fort Worth, TX 76102.
City of Grand Prairie	Municipal Complex, Stormwater Department, 300 West Main Street, Grand Prairie, TX 75050.
City of Grapevine	City Hall, 200 South Main Street, Grapevine, TX 76051.

Community	Community map repository address
City of Haltom City	Municipal Services Center, 4200 Hollis Street, Haltom City, TX 76117.
City of Haslet	City Hall, 101 Main Street, Haslet, TX 76052.
City of Hurst	City Hall, Engineering Division, 1505 Precinct Line Road, Hurst, TX 76054.
City of Keller	City Hall, 1100 Bear Creek Parkway, Keller, TX 76248.
City of Kennedale	City Hall, 405 Municipal Drive, Kennedale, TX 76060.
City of Mansfield	City Hall, 1200 East Broad Street, Mansfield, TX 76063.
City of North Richland Hills	City Hall 4301 City Point Drive, 1st Floor, North Richland Hills, TX 76180.
City of Richland Hills	City Hall, 3200 Diana Drive, Richland Hills, TX 76118.
City of River Oaks	City Hall, 4900 River Oaks Boulevard, River Oaks, TX 76114.
City of Saginaw	City Hall, 333 West McLeroy Boulevard, Saginaw, TX 76179.
City of Southlake	Public Works Department, Administrative and Engineering, 1400 Main Street, Suite 320, Southlake, TX 76092.
City of Watauga	Service Center, Public Works, 7800 Virgil Anthony Boulevard, 1st Floor, Watauga, TX 76148.
City of Westworth Village	City Hall, 311 Burton Hill Road, Westworth Village, TX 76114.
City of White Settlement	Administration Building, 214 Meadow Park Drive, White Settlement, TX 76108.
Town of Pantego	Town Hall, 1614 South Bowen Road, Pantego, TX 76013.
Unincorporated Areas of Tarrant County	Tarrant County Transportation Department—Engineering, 100 East Weatherford Street, Suite 401, Fort Worth, TX 76196.
City of Fairfax, Virginia, Independent City Project: 14–03–3327S Preliminary Date: September 25, 2020	
City of Fairfax	Department of Public Works, 10455 Armstrong Street, City Hall Annex, Room 200 A, Fairfax, VA 22030.

[FR Doc. 2021–09631 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the

final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Madison (FEMA Docket No.: B–2130).	City of Madison (21–04–0412P)	The Honorable Paul Finley, Mayor, City of Madison, 100 Hughes Road, Madison, AL 35758.	Engineering Department, 100 Hughes Road, Madison, AL 35758.	Apr. 15, 2021	010308
Madison (FEMA Docket No.: B–2130).	Unincorporated areas of Madison County (21–04–0412P).	The Honorable Dale W. Strong, Chairman, Madison County Commission, 100 North Side Square, Huntsville, AL 35801.	Madison County Public Works Department, 266–C Shields Road, Huntsville, AL 35811.	Apr. 15, 2021	010151
Colorado:					
Boulder (FEMA Docket No.: B–2106).	City of Boulder (20–08–0969P).	The Honorable Sam Weaver, Mayor, City of Boulder, 1777 Broadway Street, Boulder, CO 80302.	Planning and Development Services Department, 1739 Broadway Street, Boulder, CO 80302.	Apr. 19, 2021	080024
Boulder (FEMA Docket No.: B–2106).	Unincorporated areas of Boulder County (20–08–0969P).	The Honorable Deb Gardner, Chair, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Community Planning and Permitting Department, 2045 13th Street, Boulder, CO 80302.	Apr. 19, 2021	080023
Delaware: New Castle (FEMA Docket No.: B–2106).	Unincorporated areas of New Castle County (20–03–1274P).	The Honorable Matthew Meyer, New Castle County Executive, 87 Read's Way, New Castle, DE 19720.	New Castle County Land Use Department, 87 Read's Way, New Castle, DE 19720.	Apr. 15, 2021	105085
Florida:					
Lee (FEMA Docket No.: B–2106).	City of Bonita Springs (20–04–5188P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Bonita Springs, FL 34135.	Apr. 14, 2021	120680
Lee (FEMA Docket No.: B–2106).	City of Sanibel (20–04–5855P).	The Honorable Mick Denham, Acting Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Community Services Department, 800 Dunlop Road, Sanibel, FL 33957.	Apr. 19, 2021	120402
Monroe (FEMA Docket No.: B–2106).	City of Marathon (20–04–5597P).	The Honorable Steve Cook, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Apr. 5, 2021	120681
Monroe (FEMA Docket No.: B–2100).	City of Marathon (21–04–0493P).	The Honorable Steve Cook, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Apr. 12, 2021	120681
Palm Beach (FEMA Docket No.: B–2106).	City of Westlake (20–04–3348P).	The Honorable Roger Manning, Mayor, City of Westlake, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	City Hall, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	Apr. 19, 2021	120018
Pinellas (FEMA Docket No.: B–2100).	Town of Belleair (20–04–5570P).	Mr. J.P. Murphy, Manager, Town of Belleair, 901 Ponce de Leon Boulevard, Belleair, FL 33756.	Building Department, 901 Ponce de Leon Boulevard, Belleair, FL 33756.	Apr. 12, 2021	125088
Polk (FEMA Docket No.: B–2106).	Unincorporated areas of Polk County (20–04–0306P).	The Honorable Bill Braswell, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	Apr. 15, 2021	120261
Maine: York (FEMA Docket No.: B–2106).	Town of Kennebunkport (20–01–0791P).	The Honorable Allen A. Daggett, Chairman, Town of Kennebunkport Board of Selectmen, 6 Elm Street, Kennebunkport, ME 04046.	Planning and Development Department, 6 Elm Street, Kennebunkport, ME 04046.	Apr. 19, 2021	230170
Maryland: Calvert (FEMA Docket No.: B–2106).	Unincorporated areas of Calvert County (21–03–0019P).	Mr. Mark Willis, Calvert County Administrator, 175 Main Street, Prince Frederick, MD 20678.	Calvert County Services Department, 150 Main Street, Suite 300, Prince Frederick, MD 20678.	Apr. 19, 2021	240011
New Mexico:					
Taos (FEMA Docket No.: B–2100).	Town of Taos (20–06–1193P).	The Honorable Daniel R. Barrone, Mayor, Town of Taos, 400 Camino De La Placita, Taos, NM 87571.	Planning Department, 400 Camino De La Placita, Taos, NM 87571.	Apr. 9, 2021	350080
Taos (FEMA Docket No.: B–2100).	Unincorporated areas of Taos County (20–06–1193P).	Mr. Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Taos, NM 87571.	Apr. 9, 2021	350078
Taos (FEMA Docket No.: B–2106).	Unincorporated areas of Taos County (20–06–2426P).	Mr. Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Taos, NM 87571.	Apr. 16, 2021	350078
North Carolina:					
Chatham (FEMA Docket No.: B–2106).	Town of Siler City (20–04–3577P).	Mr. Roy Lynch, Manager, Town of Siler City, P.O. Box 769, Siler City, NC 27344.	Public Works and Utilities Department, 311 North 2nd Avenue, Siler City, NC 27344.	Apr. 16, 2021	370058
Chatham (FEMA Docket No.: B–2117).	Unincorporated areas of Chatham County (20–04–3030P).	The Honorable Mike Dasher, Chairman, Chatham County Board of Commissioners, 2 East Street, Pittsboro, NC 28202.	Chatham County Planning Department 80–A East Street Pittsboro, NC 27312.	Apr. 23, 2021	370299
Mecklenburg (FEMA Docket No.: B–2117).	City of Charlotte (20–04–3344P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater services Department, 2145 Suttle Avenue, Charlotte, NC 28202.	Apr. 7, 2021	370159
Pennsylvania:					
Chester (FEMA Docket No.: B–2106).	Township of East Marlborough (20–03–1170P).	The Honorable Robert McKinstry, Chairman, Township of East Marlborough Board of Supervisors, 721 Unionville Road, Kennett Square, PA 19348.	Township Hall, 721 Unionville Road, Kennett Square, PA 19348.	Apr. 19, 2021	421480

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Lackawanna (FEMA Docket No.: B–2106).	Township of Clifton (20–03–1819P).	The Honorable Theodore Stout, Chairman, Township of Clifton Board of Supervisors, 361 State Road 435, Clifton Township, PA 18424.	Township Hall, 361 State Road 435, Clifton Township, PA 18424.	Apr. 6, 2021	421751
Texas:					
Anderson (FEMA Docket No.: B–2106).	Unincorporated areas of Anderson County (20–06–1140P).	The Honorable Robert D. Johnston, Anderson County Judge, 703 North Mallard Street, Suite 101, Palestine, TX 75801.	Anderson County Geographic Information Systems (GIS) Department, 703 North Mallard Street, Suite 109, Palestine, TX 75801.	Apr. 19, 2021	480001
Bexar (FEMA Docket No.: B–2109).	City of San Antonio (20–06–1886P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	Apr. 12, 2021	480045
Dallas (FEMA Docket No.: B–2106).	City of Dallas (20–06–2850P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain and Drainage Management Department, 320 East Jefferson Boulevard, Room 307, Dallas, TX 75203.	Apr. 19, 2021	480171
Denton (FEMA Docket No.: B–2106).	City of Justin (20–06–3405P).	The Honorable Alan Woodall, Mayor, City of Justin, P.O. Box 129, Justin, TX 76247.	Department of Development Services, 415 North College Street, Justin, TX 76247.	Apr. 23, 2021	480778
Denton (FEMA Docket No.: B–2106).	City of New Fairview (20–06–2141P).	Mr. Ben Nibarger, City of New Fairview Administrator, 999 Illinois Lane, New Fairview, TX 76078.	Geographic Information Systems (GIS) Department, 999 Illinois Lane, New Fairview, TX 76078.	Apr. 15, 2021	481629
Denton (FEMA Docket No.: B–2106).	Unincorporated areas of Denton County (20–06–2141P).	The Honorable Andy Eads, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	Apr. 15, 2021	480774
Tarrant (FEMA Docket No.: B–2106).	City of Arlington (20–06–2037P).	The Honorable Jeff Williams, Mayor, City of Arlington, 101 West Abram Street, Arlington, TX 76010.	City Hall, 101 West Abram Street, Arlington, TX 76010.	Apr. 19, 2021	485454
Webb (FEMA Docket No.: B–2109).	Unincorporated areas of Webb County (20–06–2119P).	The Honorable Tano E. Tijerina, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	Webb County Planning Department, 1110 Washington Street, Suite 302, Laredo, TX 78040.	Apr. 19, 2021	481059
Williamson (FEMA Docket No.: B–2100).	Unincorporated areas of Williamson County (20–06–2228P).	The Honorable Bill Gravell, Jr., Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Georgetown, TX 78626.	Apr. 12, 2021	481079
Vermont: Windsor (FEMA Docket No.: B–2100).	Town of Springfield (20–01–0533P).	Mr. Steve Neratko, Town of Springfield Manager, 96 Main Street, Springfield, VT 05156.	Town Hall, 96 Main Street, Springfield, VT 05156.	Apr. 14, 2021	500154
Virginia:					
Independent City (FEMA Docket No.: B–2106).	City of Staunton (20–03–1605P).	Mr. Steven Rosenberg, City of Staunton Manager, 116 West Beverley Street, Staunton, VA 24401.	Community Development Department, 116 West Beverley Street, Staunton, VA 24401.	Mar. 30, 2021	510155
Loudoun (FEMA Docket No.: B–2100).	Unincorporated areas of Loudoun County (20–03–0990P).	Mr. Tim Hemstreet, Loudoun County Administrator, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Office of Mapping and Geographic Information, 1 Harrison Street Southeast, Leesburg, VA 20175.	Mar. 29, 2021	510090
Washington D.C. (FEMA Docket No.: B–2100).	District of Columbia (20–03–1674P).	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue Northwest, Washington, DC 20004.	Department of Energy and Environment, 1200 1st Street Northeast, Suite 500, Washington, DC 20002.	Apr. 19, 2021	110001
West Virginia:					
Greenbrier (FEMA Docket No.: B–2100).	City of White Sulphur Springs (20–03–1111P).	The Honorable Bruce Bowling, Mayor, City of White Sulphur Springs, 589 Main Street West, White Sulphur Springs, WV 24986.	City Hall, 589 Main Street West, White Sulphur Springs, WV 24986.	Apr. 12, 2021	540045
Greenbrier (FEMA Docket No.: B–2100).	Unincorporated areas of Greenbrier County (20–03–1111P).	The Honorable Lowell Rose, President, Greenbrier County Commission, 912 Court Street North, Lewisburg, WV 24901.	Greenbrier County Planning Department, 912 Court Street North, Lewisburg, WV 24986.	Apr. 12, 2021	540040

[FR Doc. 2021–09627 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2128]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before August 5, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2128, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Mackinac County, Michigan (All Jurisdictions) **Project: 16–05–2958S Preliminary Date: September 30, 2020**	
City of Mackinac Island	City Hall, 7358 Market Street, Mackinac Island, MI 49757.
City of St. Ignace	City Hall, 396 North State Street, St. Ignace, MI 49781.
Sault Saint Marie Tribe of the Chippewa Indians	Sault Tribe Administration Building, 523 Ashmun Street, Sault Sainte Marie, MI 49783.
Township of Bois Blanc	Bois Blanc Township Hall, 431 Sioux Avenue, Pointe Aux Pins, MI 49775.
Township of Brevort	Brevort Township Community Center, North 4020 Church Road, Moran, MI 49760.

Community	Community map repository address
Township of Clark	Clark Township Hall, 207 North Blindline Road, Cedarville, MI 49719.
Township of Garfield	Garfield Township Hall, North 6760 State Highway M–117, Engadine, MI 49827.
Township of Hendricks	Hendricks Township Hall, North 5115 Hiawatha Trail, Naubinway, MI 49762.
Township of Hudson	Hudson Township Hall, North 7961 Church Street, Naubinway, MI 49762.
Township of Marquette	Marquette Township Hall, 7177 East James Street, Pickford, MI 49774.
Township of Moran	Moran Township Hall, 1358 West US 2, St. Ignace, MI 49781.
Township of Newton	Newton Township Hall, North 6164 South Gould City Road, Gould City, MI 49838.
Township of St. Ignace	Township Hall, North 4298 Gorman Road, St. Ignace, MI 49781.
Blue Earth County, Minnesota and Incorporated Areas Project: 07–05–0439S Preliminary Dates: December 09, 2009, April 20, 2011, September 12, 2018 and August 28, 2020	
City of Lake Crystal	City Hall, 100 East Robinson Street, Lake Crystal, MN 56055.
City of Mankato	Intergovernmental Center, 10 Civic Center Plaza, Mankato, MN 56001.
City of Minnesota Lake	City Office, 103 Main Street North, Minnesota Lake, MN 56068.
City of Skyline	Skyline City Hall, 164 South Skyline Drive, Mankato, MN 56001.
City of St. Clair	City Office, 304 Main Street West, St. Clair, MN 56080.
City of Vernon Center	City Hall, 101 Oak Street North, Vernon Center, MN 56090.
Unincorporated Areas of Blue Earth County	Blue Earth County Environmental Department, 410 South 5th Street, Mankato, MN 56001.
Pope County, Minnesota and Incorporated Areas Project: 18–05–0003S Preliminary Date: May 29, 2020	
City of Cyrus	City Hall, 126 West Main Street, Cyrus, MN 56323.
City of Glenwood	City Hall, 100 17th Avenue Northwest, Glenwood, MN 56334.
City of Long Beach	City Hall, 23924 North Lakeshore Drive, Glenwood, MN 56334.
City of Starbuck	City Hall, 307 East 5th Street, Starbuck, MN 56381.
Unincorporated Areas of Pope County	Pope County Courthouse, 130 East Minnesota Avenue, Glenwood, MN 56334.

[FR Doc. 2021–09630 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2133]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood

hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Arapahoe	City of Centennial (20–08–0573P).	Mr. Matt Sturgeon, Manager, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 30, 2021	080315
Arapahoe	Unincorporated areas of Arapahoe County (20–08–0573P).	The Honorable Nancy Jackson, Chair, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, CO 80120.	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 30, 2021	080011
Douglas	Unincorporated areas of Douglas County (21–08–0166P).	The Honorable Lora Thomas, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Department of Public Works Engineering, 100 3rd Street, Castle Rock, CO 80104.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 30, 2021	080049
Florida:						
Bay	City of Lynn Haven (20–04–2912P).	The Honorable Dan Russell, Mayor, City of Lynn Haven, 817 Ohio Avenue, Lynn Haven, FL 32444.	Development and Planning Department, 817 Ohio Avenue, Lynn Haven, FL 32444.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2021	120009
Bay	Unincorporated areas of Bay County (20–04–2912P).	The Honorable Robert Carroll, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning Department, 840 West 11th Street, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2021	120004
Charlotte	Unincorporated areas of Charlotte County (21–04–1486P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Building Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2021	120061
Collier	Unincorporated areas of Collier County (21–04–0329P).	The Honorable Penny Taylor, Chair, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Growth Management Department, 2800 North Horseshoe Drive, Naples, FL 34104.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	120067
Lee	City of Bonita Springs (21–04–1316P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Bonita Springs, FL 34135.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2021	120680
Monroe	Unincorporated areas of Monroe County (21–04–1092P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33042.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	125129

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Monroe	Unincorporated areas of Monroe County (21–04–1580P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33042.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2021	125129
Volusia	City of Daytona Beach (20–04–3525P).	Mr. James Chisholm, Manager, City of Daytona Beach, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.	Utilities Engineering Division, 125 Basin Street, Suite 100, Daytona Beach, FL 32114.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 2, 2021	125099
Volusia	City of Port Orange (20–04–5567P).	The Honorable Donald O. Burnette, Mayor, City of Port Orange, 1000 City Center Circle, Port Orange, FL 32129.	Community Development Department, 1000 City Center Circle, Port Orange, FL 32129.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 13, 2021	120313
Volusia	Unincorporated areas of Volusia County (20–04–3525P).	Mr. George Recktenwald, Volusia County Manager, 123 West Indiana Avenue, Deland, FL 32720.	Volusia County Planning and Development Services Department, 123 West Indiana Avenue, Deland, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 2, 2021	125155
Volusia	Unincorporated areas of Volusia County (20–04–5567P).	Mr. George Recktenwald, Volusia County Manager, 123 West Indiana Avenue, Deland, FL 32720.	Volusia County Planning and Development Services Department, 123 West Indiana Avenue, Deland, FL 32720.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 13, 2021	125155
Louisiana:						
St. Tammany	City of Mandeville (20–06–2506P).	The Honorable Clay Madden, Mayor, City of Mandeville, 3101 East Causeway Approach, Mandeville, LA 70448.	City Hall, 3101 East Causeway Approach, Mandeville, LA 70448.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 11, 2021	220202
St. Tammany	Unincorporated areas of St. Tammany Parish (21–06–0797P).	The Honorable Michael B. Cooper, President, St. Tammany Parish, 21490 Koop Drive, Mandeville, LA 70471.	St. Tammany Parish Inspections and Enforcement Department, 21454 Koop Drive, Mandeville, LA 70471.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2021	225205
Massachusetts: Barnstable.	Town of Barnstable (20–01–1587P).	Mr. Mark S. Ells, Manager, Town of Barnstable, 367 Main Street, Hyannis, MA 02601.	Inspectional Services Department, 200 Main Street, Hyannis, MA 02601.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 6, 2021	250001
New Mexico: Taos	Unincorporated areas of Taos County (20–06–2988P).	Mr. Brent Jaramillo, Taos County Manager, 105 Albright Street, Suite G, Taos, NM 87571.	Taos County Planning Department, 105 Albright Street, Taos, NM 87571.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2021	350078
South Carolina: Horry.	City of North Myrtle Beach (21–04–0539P).	Mr. Michael Mahaney, Manager, City of North Myrtle Beach, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.	Planning and Development Department, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 18, 2021	450110
Tennessee:						
Wilson	City of Lebanon (20–04–4425P).	The Honorable Rick Bell, Mayor, City of Lebanon, 106 North Castle Heights Avenue, Lebanon, TN 37087.	Engineering Department, 200 Castle Heights Avenue North, Lebanon, TN 37087.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 28, 2021	470208
Wilson	Unincorporated areas of Wilson County (20–04–4425P).	The Honorable Randall Hutto, Mayor, Wilson County, 228 East Main Street, Room 104, Lebanon, TN 37087.	Wilson County Planning Department, 228 East Main Street, Room 5, Lebanon, TN 37087.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 28, 2021	470207
Texas:						
Dallas	City of Irving (20–06–2875P).	The Honorable Rick Stopfer, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Engineering Department, 825 West Irving Boulevard, Irving, TX 75060.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2021	480180
Harris	City of Houston (20–06–2472P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2021	480296
Rockwall	City of Royse City (20–06–3214P).	The Honorable Clay Ellis, Mayor Pro Tem, City of Royse City, P.O. Box 638, Royse City, TX 75189.	City Hall, 305 North Archer Road, Royse City, TX 75189.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 9, 2021	480548

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Tarrant	City of Fort Worth (21–06–0615P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2021	480596
Tarrant	City of North Richland Hills (21–06–0066P).	The Honorable Oscar Trevino, Jr., Mayor, City of North Richland Hills, 4301 City Point Drive, North Richland Hills, TX 76180.	City Hall, 4301 City Point Drive, North Richland Hills, TX 76180.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2021	480607
Williamson	City of Cedar Park (21–06–0028P).	The Honorable Corbin Van Arsdale, Mayor, City of Cedar Park, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	Engineering Department, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 30, 2021	481282
Vermont:						
Bennington.	Town of Bennington (20–01–1034P).	Mr. Stuart Hurd, Manager, Town of Bennington, P.O. Box 469, Bennington, VT 05201.	Town Hall, 205 South Street, Bennington, VT 05201.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 19, 2021	500013
Virginia:						
Frederick	City of Winchester (21–03–0704X).	The Honorable John David Smith, Jr., Mayor, City of Winchester, 15 North Cameron Street, Winchester, VA 22601.	Engineering Division, 15 North Cameron Street, Winchester, VA 22601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2021	510173
Frederick.	Unincorporated areas of Frederick County (21–03–0704X).	The Honorable Charles S. DeHaven, Jr., Chairman-at-Large, Frederick County Board of Supervisors, 107 North Kent Street, Winchester, VA 22601.	Frederick County Zoning Department, 107 North Kent Street, Suite 202, Winchester, VA 22601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2021	510163
West Virginia:						
Cabell	City of Huntington (21–03–0357P).	The Honorable Steve Williams, Mayor, City of Huntington, P.O. Box 1659, Huntington, WV 25701.	Planning & and Zoning Department, 800 5th Avenue, Suite 2, Huntington, WV 25701.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 7, 2021	540018
Cabell	Unincorporated areas of Cabell County (21–03–0357P).	Ms. Beth Thompson, Cabell County Administrator, 750 5th Avenue, Suite 300, Huntington, WV 25701.	Cabell County Assessor's Office, 750 5th Avenue, Suite 300, Huntington, WV 25701.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 7, 2021	540016

[FR Doc. 2021–09629 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of September 10, 2021 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and

Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Cook County, Illinois and Incorporated Areas Docket No.: FEMA–B–2019	
City of Chicago	Department of Buildings Stormwater Management, 121 North LaSalle Street, Room 906, Chicago, IL 60602.
City of Evanston	Engineer's Office, 2100 Ridge Avenue, Evanston, IL 60201.
Unincorporated Areas of Cook County	Cook County Building and Zoning Department, 69 West Washington, 28th Floor, Chicago, IL 60602.
Village of Glencoe	Engineering Department, 675 Village Court, Glencoe, IL 60022.
Village of Kenilworth	Public Works Department, 347 Ivy Court, Kenilworth, IL 60043.
Village of Wilmette	Village Hall, Community Development Department, 1200 Wilmette Avenue, Wilmette, IL 60091.
Village of Winnetka	Public Works Department, 1390 Willow Road, Winnetka, IL 60093.
Livingston County, Kentucky and Incorporated Areas Docket No.: FEMA–B–1709 and FEMA–B–1966	
City of Smithland	City Hall, 310 Wilson Avenue, Smithland, KY 42081.
Unincorporated Areas of Livingston County	Livingston County Judge Executive's Office, 321 Court Street, Smithland, KY 42081.

[FR Doc. 2021–09633 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2132]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Glendale (20–09–1036P).	The Honorable Jerry Weiers, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*https://msc.fema.gov/portal/advanceSearch.*	May 7, 2021	040045
Maricopa	City of Peoria (20–09–1050P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 16, 2021	040050
Maricopa	City of Phoenix (20–09–1036P).	The Honorable Kate Gallego, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*https://msc.fema.gov/portal/advanceSearch.*	May 7, 2021	040051
Pinal	City of Maricopa (20–09–0399P).	The Honorable Christian Price, Mayor, City of Maricopa, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	City Hall, 39700 West Civic Center Plaza, Maricopa, AZ 85138.	*https://msc.fema.gov/portal/advanceSearch.*	May 21, 2021	040052
Pinal	Town of Florence (20–09–1409P).	The Honorable Tara Walter, Mayor, Town of Florence, P.O. Box 2670, Florence, AZ 85132.	Public Works Department, 224 West 20th Street, Florence, AZ 85132.	*https://msc.fema.gov/portal/advanceSearch.*	May 28, 2021	040084
Pinal	Unincorporated Areas of Pinal County (20–09–0399P).	The Honorable Stephen Q. Miller, Chairman, Board of Supervisors, Pinal County, P.O. Box 827, Florence, AZ 85132.	Pinal County Engineering Division, 31 North Pinal Street, Building F, Florence, AZ 85132.	*https://msc.fema.gov/portal/advanceSearch.*	May 21, 2021	040077
California:						
Kern	City of Delano (21–09–0119P).	The Honorable Bryan Osorio, Mayor, City of Delano, 1015 11th Avenue, Delano, CA 93215.	Community Development, 1015 11th Avenue, Delano, CA 93215.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	060078
Kern	Unincorporated Areas of Kern County (21–09–0119P).	The Honorable Phillip Peters, Chairman, Board of Supervisors, Kern County, 115 Truxtun Avenue, 5th Floor, Bakersfield, CA 93301.	Kern County Planning Department, 2700 M Street, Suite 100, Bakersfield, CA 93301.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	060075
San Diego	Unincorporated Areas of San Diego County (20–09–2083P).	The Honorable Nathan Fletcher, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway Room 335, San Diego, CA 92101.	San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue Suite 410, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 19, 2021	060284
Santa Barbara	City of Goleta (21–09–0037P).	The Honorable Paula Perotte, Mayor, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117.	City Hall, Planning and Environmental Review Department, 130 Cremona Drive Suite B, Goleta, CA 93117.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	060771

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Santa Barbara	City of Santa, Barbara, (20–09–0769P).	The Honorable Cathy Murillo, Mayor, City of Santa Barbara, City Hall, 735 Anacapa Street, Santa Barbara, CA 93101.	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 20, 2021	060335
Santa Barbara	City of Santa, Barbara (21–09–0037P).	The Honorable Cathy Murillo, Mayor, City of Santa Barbara, City Hall, 735 Anacapa Street, Santa Barbara, CA 93101.	Community Development Department, Building and Safety Division, 630 Garden Street, Santa Barbara, CA 93101.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 3, 2021	060335
Idaho:						
Ada	City of Kuna (20–10–0884P).	The Honorable Joe Stear, Mayor, City of Kuna, City Hall, 751 West 4th Street, Kuna, ID 83634.	City Hall, 329 West 3rd Street, Kuna, ID 83642.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 22, 2021	160174
Ada	City of Meridian (20–10–1391P).	The Honorable Robert Simison, Mayor, City of Meridian, Meridian City Hall, 33 East Broadway Avenue, Suite 300, Meridian, ID 83642.	Public Works Department, 33 East Broadway Avenue, Suite 200, Meridian, ID 83642.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	160180
Ada	Unincorporated Areas of Ada County (20–10–0884P).	Mr. Rod Beck, Chairman, Ada County Board of County Commissioners, Ada County Courthouse, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 22, 2021	160001
Ada	Unincorporated Areas of Ada County (20–10–1391).	Mr. Rod Beck, Chairman, Ada County Board of County Commissioners, Ada County Courthouse, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	160001
Blaine	Unincorporated Areas of Blaine County (20–10–1303P).	Mr. Jacob Greenberg, Chairman, Board of County Commissioners, Blaine County, 206 South 1st Avenue Suite 300, Hailey, ID 83333.	Blaine County Planning & Zoning, 219 South Ist Avenue, Suite 208, Hailey, ID 83333.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 29, 2021	165167
Indiana:						
Lake	City of Crown Point (20–05–3995P).	The Honorable David Uran, Mayor, City of Crown Point, 101 North East Street, Crown Point, IN 46307.	City Hall, 101 North East Street, Crown Point, IN 46307.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	180128
Noble	Unincorporated Areas of Noble County (21–05–0893P).	The Honorable Gary Leatherman, President, Noble County Board of Commissioners, Noble County Courthouse, 101 North Orange Street, Albion, IN 46701.	Noble County South Complex, 2090 North State Road 9, Suite 2, Albion, IN 46701.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 23, 2021	180183
Iowa: Polk	City of Urbandale (21–07–0009P).	The Honorable Bob Andeweg, Mayor, City of Urbandale, City Hall, 3600 86th Street, Urbandale, IA 50322.	City Hall, 3600 86th Street, Urbandale, IA 50322.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 26, 2021	190230
Nevada: Clark	City of Henderson (20–09–1687P).	The Honorable Debra March, Mayor, City of Henderson, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 29, 2021	320005
New York: Westchester.	City of Rye (20–02–1384P).	The Honorable Josh Cohn, Mayor, City of Rye, City Hall, 1051 Boston Post Road, Rye, NY 10580.	City Hall, 1051 Boston Post Road, Rye, NY 10580.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 24, 2021	360931
Texas: Hunt	City of Greenville (20–06–2492P).	The Honorable David Dreiling, Mayor, City of Greenville, 2821 Washington Street, Greenville, TX 75401.	City Hall, 2821 Washington Street, Greenville, TX 75401.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 14, 2021	485473
Wisconsin:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Brown	Unincorporated Areas of Brown County (20–05–2406P).	Mr. Troy Streckenbach, County Executive, Brown County, P.O. Box 23600, Green Bay, WI 54305.	Zoning Office, 305 East Walnut Street, Green Bay, WI 54301.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2021	
Brown	Village of Pulaski (20–05–2406P).	The Honorable Reed A. Woodward, Mayor, Village of Pulaski, P.O. Box 320, Pulaski, WI 54162.	Village Hall, 421 South St. Augustine Street, Pulaski, WI 54162.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 2, 2021	550024
La Crosse	Unincorporated Areas of La Crosse County (21–05–0431P).	Ms. Monica Kruse, Chair, La Crosse County Board, Administrative Center, 212 6th Street North, La Crosse, WI 54601.	La Crosse County Administration Center, 400 4th Street North, Room 3260, La Crosse, WI 54601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 5, 2021	550217

[FR Doc. 2021–09628 Filed 5–6–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–07; OMB Control No.: 2502–0302]

60-Day Notice of Proposed Information Collection: Local Appeals to Single-Family Mortgage Limits

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 6, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Local Appeals to Single-Family Mortgage Limits.

OMB Approval Number: 2502–0302.

Type of Request: Extension.

Form Number: N/A.

Description of the need for the information and proposed use: Any interested party may submit a request for the mortgage limits to be increased in a particular area if they believe that the present limit does not accurately reflect the higher sales prices in that area. Any request for an increase must be accompanied by sufficient housing sales price data to justify higher limits. This allows HUD the opportunity to examine additional data to confirm or adjust the set loan limit for a particular area.

Respondents: Business and other for-profit.

Estimated Number of Respondents: 182.

Estimated Number of Responses: 182.

Frequency of Response: 1.

Average Hours per Response: 7.

Total Estimated Burdens: 1,274.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Janet Golrick,

Acting, Chief of Staff for the Office of Housing—Federal Housing Administration.

[FR Doc. 2021–09712 Filed 5–6–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–03; OMB Control No. 2502–0562]

60-Day Notice of Proposed Information Collection: Manufactured Housing Dispute Resolution Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget

(OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 6, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Manufactured Housing Dispute Resolution Program.

OMB Approval Number: 2502–0562.

OMB Expiration Date: 08/31/2021.

Type of Request: Revision of a currently approved collection.

Form Numbers: HUD–310–DRSC; HUD–311–DR.

Description of the need for the information and proposed use: The state programs will file form HUD–310–DRSC. HUD uses the information on state certifications to determine whether the state programs comply with the minimum requirements set out in the regulations. Homeowners and industry respondents will use form HUD–311–DR. HUD uses the required information for screening that a defect that is properly alleged and timely reported under the Federal manufactured housing dispute resolution program.

Respondents: Individuals and households; State, Local or Tribal Government; Business or other for-profit.

Estimated Number of Respondents: 125.

Estimated Number of Responses: 125.

Frequency of Response: HUD–310–DRSC, one time for initial independent application by state, and then one time every three years for certain states; HUD–311–DR, one time per alleged defect.

Average Hours per Response: 1.

Total Estimated Burden: 125.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Janet Golrick,

Acting, Chief of Staff for the Office of Housing—Federal Housing Administration.

[FR Doc. 2021–09713 Filed 5–6–21; 8:45 am]

BILLING CODE 4210–67–P

INTER-AMERICAN FOUNDATION

60-Day Notice for the "Grantee Conflicts of Interest Disclosure Form"

AGENCY: Inter-American Foundation.

ACTION: Notice.

SUMMARY: The Inter-American Foundation (IAF), as part of its continuing efforts to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the IAF is soliciting comments concerning the information collection of grantee conflicts of interest through grant agreement packages. The purpose of this form is to give grantees an opportunity to disclose any personal or organizational conflicts of interest, or potential for conflicts of interest. Grantees who have a conflict or potential conflict must disclose all relationships with which it or any covered person has that create, or appear to create, a conflict of interest.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to Natalia Mandrus, Inter-American Foundation, via email to *nmandrus@iaf.gov.*

SUPPLEMENTARY INFORMATION: The IAF is particularly interested in comments which:

—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

—Can help the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: May 3, 2021.

Aswathi Zachariah,

General Counsel.

[FR Doc. 2021–09619 Filed 5–6–21; 8:45 am]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2020–0120; FF06E24000–212–FXES11140600000]

Incidental Take Permit Application; Habitat Conservation Plan and Categorical Exclusion for the Gunnison Sage-Grouse; Gunnison County, Colorado

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of documents; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of documents related to an application for an incidental take permit (permit) under the Endangered Species Act. The City of Gunnison, Colorado, has applied for a permit, which, if granted, would authorize take of the federally threatened Gunnison sage-grouse that is likely to occur incidental to proposed residential and commercial development. The documents available for review and comment are the applicant's habitat conservation plan, which is part of the permit application, and our draft environmental action statement and low-effect screening form, which support a categorical exclusion under the National Environmental Policy Act. We invite comments from the public and Federal, Tribal, State, and local governments.

DATES: We will accept comments received or postmarked on or before June 7, 2021. Comments submitted online at *Regulations.gov* (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Obtaining Documents:* The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online in Docket No. FWS–R6–ES–2020–0120 at *http://www.regulations.gov.*

Submitting Comments: You may submit comments by one of the following methods:

- *Online: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R6–ES–2020–0120.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R6–ES–2020–0120; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments by only one of the methods described above.

FOR FURTHER INFORMATION CONTACT: Terry Ireland, by phone at 970–628–7188, by email at *Terry_Ireland@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from the City of Gunnison for a 20-year incidental take permit (permit) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential for take of the federally threatened Gunnison sage-grouse (*Centrocercus minimus*) that is likely to occur incidental to proposed residential and commercial development.

The documents available for review and comment are the applicant's habitat conservation plan (HCP), which is part of the permit application, and our draft environmental action statement and low-effect screening form. These documents helped inform our conclusion that the activities proposed by the permit application will have a low effect on the species and the human environment. Accordingly, our issuance of a permit qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*).

Applicant's Habitat Conservation Plan

The City of Gunnison has submitted a low-effect HCP in support of an application for a permit to address take of the species that is likely to occur as the result of proposed residential and commercial development (covered activities) of approximately 637 acres (ac) in Gunnison County, Colorado. The covered activities are anticipated to affect 597 ac of Gunnison sage-grouse habitat. The requested permit duration is for 20 years from permit issuance. The covered activities are within Gunnison sage-grouse habitat in the Gunnison Basin population. The biological goals and objectives are to maintain higher quality and more productive Gunnison sage-grouse habitat within the Gunnison Basin population and minimize impacts from development on the Gunnison sage-grouse. The proposed mitigation and minimization measures include protection of approximately 885 ac of Gunnison sage-grouse habitat, reduction of impacts from grazing, reduction of disturbance from construction and recreation via seasonal restrictions, and the creation and distribution of educational materials and signage to reduce impacts.

Public Availability of Comments

Written comments we receive become part of the decision file associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and under NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Stephen Small,

Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, Interior Regions 5 and 7.

[FR Doc. 2021–09651 Filed 5–6–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R2–ES–2020–0093; FXES11130200000–201–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Guadalupe Fescue

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of our draft recovery plan for Guadalupe fescue, a plant endemic to high mountains in the Chihuahuan desert, in the Trans-Pecos region of Texas and in Coahuila, Mexico, and listed as endangered under the Endangered Species Act. We provide

this notice to seek comments from the public and Federal, Tribal, State, and local governments.

DATES: We must receive written comments on or before July 6, 2021.

ADDRESSES: *Reviewing documents:* You may obtain a copy of the draft revised recovery plan, recovery implementation strategy, and species status assessment in Docket No. FWS–R2–ES–2020–0093 at *http://www.regulations.gov.*

Submitting Comments: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R2–ES–2020–0093.
- *U.S.:* Public Comments Processing; Attn: Docket No. FWS–R2–ES–2020–0093; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

For additional information about submitting comments, see Request for Public Comments and Public Availability of Comments under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Adam Zerrenner, Austin Ecological Services Field Office, by phone at 512–490–0057, by email at *adam_zerrenner@fws.gov,* or via the Federal Relay Service at 800–877–8339 for TTY service.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft recovery plan for Guadalupe fescue (*Festuca ligulata*), listed as endangered under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Guadalupe fescue is a plant endemic to montane ''sky island'' habitats in the Chihuahuan Desert in Trans-Pecos Texas and in Coahuila, Mexico. The draft recovery plan includes specific recovery objectives; site-specific management actions; objective, measurable criteria that, when achieved, will enable us to remove Guadalupe fescue from the list of endangered and threatened plants; and an estimated time and cost to recovery. We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new information on the status of Guadalupe fescue throughout its range to assist in finalizing the recovery plan.

Background

Recovery of endangered or threatened animals and plants to the point at which they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the ESA. Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the ESA. The ESA requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

We used a streamlined approach to recovery planning and implementation by first conducting a species status assessment (SSA) of Guadalupe fescue (Service 2016), which is a comprehensive analysis of the taxon's needs, current condition, threats, and future viability. The information in the SSA report provides the biological background, a threats assessment, and a basis for a strategy for recovery of Guadalupe fescue. We then used this information to prepare an abbreviated draft recovery plan for Guadalupe fescue that includes objective, measurable recovery criteria, prioritized and site-specific recovery actions, and the estimated time and cost to recovery (Service 2020a). We have also prepared a separate recovery implementation strategy that includes the specific tasks necessary to implement recovery actions (Service 2020b).

Summary of Species Information

Guadalupe fescue (*Festuca ligulata*) is a perennial, rhizomatous (horizontal stems below ground) bunchgrass within the Poaceae (grass) family. The species occurs in scattered patches in the understory of conifer-oak woodlands in the high mountains of the Chihuahuan Desert, above 1,800 m (5,905 ft) elevations. Guadalupe fescue flowers mostly during the late summer and early autumn, in response to the region's monsoon rains. The breeding system of Guadalupe fescue is currently unknown; however, since widely dispersed populations have persisted, Guadalupe fescue is likely capable of self-fertilization as well as outcrossing (USFWS 2015). The species has a short lifespan, with relatively low fecundity. The average lifespan for Gualdalupe fescue ranges from 3.1 to 3.9 years, and estimated annual survival rates range from 0.62 to 0.75. About 41 percent of individuals die before they are able to reproduce (USFWS 2015).

Historically, the distribution of Guadalupe fescue was limited to six small sites, ranging from Guadalupe Mountains National Park, Texas, in the north, to El Fraile, Coahuila, in the south. Currently, there are only two known extant populations within the species' historical range: One in Boot Canyon within Big Bend National Park, Texas; and one in the Maderas del Carmen *Area de Protección de Flora y Fauna* (APFF; Protected Area for Plants and Animals), Coahuila. Two populations of Guadalupe fescue are considered extirpated, as no plants were located during recent survey efforts (McKittrick Canyon in Texas and Sierra el Jardin in Mexico), and two other populations in Mexico (northwest of El Fraile and Sierra de la Madera) have not been surveyed since 1941 and 1977, respectively, and thus their status is unknown.

All known populations of the Guadalupe fescue consist of multiple small groups of individuals. Prior to listing, the Boot Canyon population in Big Bend National Park was protected through a candidate conservation agreement established in 2008, and has been monitored almost every year since 1993. The total estimated population size within Boot Canyon is 1,787 individuals, scattered over an area of about 22.7 ha (56.1 ac) (Whiting et al. 2020). The population at APFF Maderas del Carmen, although privately owned, is protected from development through the Mexican federal system of Protected Natural Areas (Areas Naturales Protegidas). This population was observed in 2003, 2007, 2009, and most recently in 2019 and 2020 when approximately 140 individuals were documented. However, botanists have not yet determined the size of this population due to the difficult access, remote location, and rugged terrain of this 208,381-ha (514,910-ac) protected area.

To ensure the long-term viability of Guadalupe fescue in the wild, the species requires the conservation of multiple resilient and genetically diverse populations that represent the full range of the species' ecological adaptations to the sky island habitats of the Chihuahuan Desert in both Texas and Mexico. Currently, there are only two known extant populations of Guadalupe fescue within the species' historical range. The most important factors that may affect the continued survival of Guadalupe fescue within these populations include changes in the wildfire cycle and vegetation structure, competition from invasive species, and the demographic and genetic consequences of small, isolated populations. Within the Chisos Mountains in Texas, the conifer-oak woodlands had experienced relatively frequent, low-intensity wildfires for centuries, and Guadalupe fescue is believed to have evolved with this fire ecology. However, wildfire has been suppressed at Big Bend National Park since the park's establishment in 1944 and there have been no recent natural or

prescribed fires within Boot Canyon. The absence of wildfire in Boot Canyon has resulted in the accumulation of leaf litter and small-diameter trees, which increases the risk of a much more intense wildfire that would potentially be catastrophic to the vegetation within the Chisos Mountains and to the Guadalupe fescue population there. For these reasons, reducing fuel loads in the Chisos Mountains and conducting small-scale experimental prescribed burns in collaboration with personnel of Big Bend National Park are high priority recovery actions.

Horehound (*Marrubium vulgare*), King Ranch bluestem (*Bothriochloa ischaemum*), and other invasive plant species potentially threaten Guadalupe fescue through competition for water, nutrients, and light. The 2008 candidate conservation agreement calls for periodic monitoring of the Guadalupe fescue population and control of invasive species, and Big Bend National Park has also proposed a programmatic management plan to carefully monitor and control invasive species in the Chisos Mountains. Therefore, the magnitude of this threat is currently low within the Boot Canyon population. We have no information on introduced invasive species in the known Mexican sites or their impacts on Guadalupe fescue (Service 2016).

In general, the physical clustering of numerous genetically diverse plants in close proximity is necessary for effective fertilization, out-crossing, seed production, and the maintenance of genetically diverse populations. However, considering the small population size and low population density of the Chisos Mountains site, this population is very likely to be highly inbred as a result of extensive self-fertilization. Currently, we cannot project what the net results of beneficial and detrimental effects of climate changes will be (Service 2016).

Recovery Plan Goals

The objective of a recovery plan is to provide a framework for the recovery of a species so that protection under the ESA is no longer necessary. A recovery plan includes scientific information about the species and provides objective and measurable criteria and site-specific management actions necessary for us to be able to reclassify the species to threatened status or remove it from the lists of endangered and threatened wildlife and plants. Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures.

The primary objectives of this recovery plan are to: (1) Increase population resilience by managing habitats to promote population growth, and controlled propagation to augment population sizes to attain and sustain minimum viable population (MVP) levels within each population or metapopulation; (2) increase species redundancy through searches for undiscovered populations in areas of potential habitat, and through propagation and reintroduction into potential habitats; and (3) sustain species representation through conservation of populations throughout the species' range, and investigate the potential benefits and risks of genetic augmentation of extant populations. The recovery plan provides objective, measurable recovery criteria aimed at managing or eliminating threats to meet the goal of delisting Guadalupe fescue. These recovery criteria are based on the conservation of habitat, natural recruitment of new individuals, their growth to maturity, and the increase of populations to a viable level that is sustained without further human intervention (other than appropriate habitat management). The time frame required to assess the species viability trends of Guadalupe fescue is influenced largely by its life history and climate cycles.

Site specific management actions include: Investigating changes in wildfire frequency and evaluating the response of Guadalupe fescue to prescribed burns; monitoring and management of introduced invasive plants; public education and management of sensitive habitat in recreational areas of Boot Canyon; preventing grazing from pack animals and livestock in Boot Canyon; improving knowledge of the species' abundance, distribution and demographic trends in known populations and surveying other potential habitats in Texas and Mexico; investigating gene flow, genetic diversity and conservation genetics; developing a propagation and reintroduction program; and investigating responses to climate factors and projecting future responses of known populations to climate changes.

Request for Public Comments

Section 4(f) of the ESA requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species and the implementation of the recommended recovery actions.

Public Availability of Comments

All comments received, including names and addresses, will become part of the administrative record and will be available to the public. 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. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Authority

We developed our draft recovery plan and publish this notice under the authority of section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Amy L. Lueders,

Regional Director, Interior Region 6, Albuquerque, New Mexico.

[FR Doc. 2021–09709 Filed 5–6–21; 8:45 am]

BILLING CODE 4333–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2021–0038; FXES11140400000–212–FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink, Lake County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from TSG Development, Inc. (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink incidental to construction in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before June 7, 2021.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents online in Docket No. FWS–R4–ES–2021–0038 at *http://www.regulations.gov.*

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:

- *Online: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2021–0038.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2021–0038; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, by telephone at (904) 731–3121 or via email at *erin_gawera@fws.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from TSG Development, Inc. for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) incidental to the construction of an industrial warehouse complex (project) in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act (NEPA; 42 U.S.C. 4231 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Project

The applicant requests a 5-year ITP to take sand skinks through the conversion of approximately 14.5 acres (ac) of occupied sand skink foraging and sheltering habitat incidental to the construction of an industrial warehouse complex located on a 36.51-ac parcel in Section 26; Township 22 South; Range 26 East, Lake County, Florida, identified by Parcel ID numbers 09–22–26–1100–041–00001 and 09–22–26–1100–055–00001. The applicant proposes to mitigate for take of the sand skinks by the purchase of 29.0 credits from Lake Wales Ridge Conservation Bank or another Service-approved Conservation Bank. The Service would require the applicant to purchase the credits prior to engaging in activities associated with the project on the parcel.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project, including land clearing, infrastructure building, landscaping, and the proposed mitigation measures, would individually and cumulatively have a minor or negligible effect on sand skinks and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and the HCP is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and, (3) impacts that, when considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not over time result in significant cumulative effects to environmental values or resources.

Next Steps

The Service will evaluate the application and the comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0002663 to TSG Development, Inc.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Jay Herrington,

Field Supervisor, Jacksonville Field Office.

[FR Doc. 2021–09683 Filed 5–6–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Confederated Tribes of the Colville Reservation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Confederated Tribes of the Colville Reservation (Tribe) leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business leases without further BIA approval.

DATES: BIA issued the approval on May 3, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, *sharelene.roundface@bia.gov,* (505) 563–3132.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act

authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Confederated Tribes of the Colville Reservation.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Confederated Tribes of the Colville Reservation.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–09691 Filed 5–6–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000.L10200000. XZ0000.LXSSH1060000.212.HAG 21–0032]

Notice of Public Meetings for the John Day-Snake Resource Advisory Council Planning Subcommittee, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory

Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) John Day-Snake Resource Advisory Council (RAC) Planning Subcommittee will meet as follows:

DATES: The John Day-Snake RAC Planning Subcommittee will meet at 6:30 p.m. Pacific Time (PT), Wednesday, June 9, 2021, and Wednesday, Sept. 15, 2021, via Zoom conference. A public comment period will be offered during each meeting at 7:35 p.m. PT.

ADDRESSES: The Subcommittee Zoom meeting details will be published on the RAC web page at least 10 days in advance of the meetings at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

A final agenda will be posted online at the RAC web page at least 1 week prior to the meeting.

The public may send written comments to the subcommittee and RAC in response to material presented. Comments can be mailed to: BLM Vale District; Attn. Shane DeForest; 100 Oregon St., Vale, OR 97918.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, OR 97814; telephone: 541–219–6863; email: *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1 (800) 877–8339 to contact Larisa. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member John Day-Snake RAC was chartered and members appointed by the Secretary of the Interior. Its diverse perspectives are represented in commodity, conservation, and general interests. It provides advice to BLM and, as needed, U.S. Forest Service resource managers regarding management plans and proposed resource actions on public land in the John Day-Snake area.

The Planning Subcommittee was established to gather information, conduct research, and analyze relevant issues and facts on selected topics for future consideration by the RAC. The Subcommittee's primary goal is to provide information to the RAC members that allows them to better respond to time-sensitive issues, such as responding to an environmental document within the public comment period. No decisions are made at the subcommittee level.

Meetings are open to the public in their entirety. Agenda items include review of recreation fee proposals for the Wallowa-Whitman, Malheur, and Deschutes National Forests. Depending on the number of people wishing to comment and the time available, the amount of time for oral comments may be limited. The public may send written comments to the Subcommittee and RAC (see **ADDRESSES** section).

The Designated Federal Officer will attend the call, take minutes, and publish detailed meeting minutes on the RAC web page (see the **ADDRESSES** section earlier).

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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 we will be able to do so.

(Authority: 43 CFR 1784.4–2)

Jason Simmons,

Acting Vale District Manager.

[FR Doc. 2021–09623 Filed 5–6–21; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVE00000 L5440000 EU0000 LVCLF1906630 20X; N–97447/01 MO#4500143560]

Notice of Realty Action: Proposed Non-Competitive (Direct) Sale of Public Land in Elko County, Nevada, to the City of West Wendover

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes a non-competitive (direct) sale of 84.06 acres to the City of West Wendover. This land is currently part of the City of West Wendover's existing 175.06-acre Recreation and Public Purpose Act (R&PP) lease N–79079/01. The sale will be subject to the applicable provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM land sale regulations, at no less than the fair market value of $840,000.

DATES: Interested parties may submit written comments regarding this direct sale until June 21, 2021. Comments may be mailed to the BLM office address below, faxed to 775–753–0347, or emailed to *elfoweb@blm.gov.* The BLM will not consider comments received via telephone.

ADDRESSES: You may submit written comments to the Elko District, Wells Field Office, Attn: Melanie Mitchell, Wells Field Manager, 3900 East Idaho St., Elko, Nevada 89801, or via fax to 775–753–0347, or via email to *elfoweb@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Karen Uhri, Realty Specialist, BLM Elko District, Wells Field Office, at 775–753–0378, at the above address, or by email to *kuhri@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, 7 days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM proposes a non-competitive (direct) sale of 84.06 acres to the City of West Wendover. This land is currently part of the City of West Wendover's existing 175.06-acre Recreation and Public Purpose Act (R&PP) lease N–79079/01. This 84.06-acre portion of the R&PP lease has been developed by the City of West Wendover and includes the City Hall, City Police Station, administrative offices, North Gene L. Jones Way, and the Victory Highway arch, monument, and interpretative trail. These improvements were developed in accordance with the approved R&PP lease plan of development.

On December 1, 2006, a **Federal Register** Notice (71 FR 69583) segregated the lands from all forms of appropriation under the public land laws, including the general mining laws, except for the sale provisions of FLPMA.

The local government has an interest in incorporating this property into the City Center Downtown Development Master Plan, adopted in 2001. This area will be a focal point for the creation of the city center and downtown area and will include a variety of development initiatives, including public as well as ancillary private/commercial investments. This diversified development portfolio for the area will create and foster a vibrant city center and create new business investment, services, jobs, and related opportunities for the community.

This property is located in the City of West Wendover between Interstate 80 to the north and Wendover Boulevard to the south, and is legally described as:

Mount Diablo Meridian, Nevada

T. 33 N., R. 70 E.,
Sec. 8, lot 10;
Sec. 9, SW1/4SW1/4;
Sec. 16, lot 17.

The areas described aggregate 84.06 acres.

These public lands are identified and designated for disposal in the Wells Resource Management Plan, dated July 16, 1985.

The land meets the criteria for direct sale under 43 CFR 2711.3–3(a), ''Direct sales may be utilized, when in the opinion of the Authorized Officer, a competitive sale is not appropriate and the public interest would best be served by a direct sale.'' Consistent with FLPMA Section 203(a)(3), ''Disposal of such tract will serve important public objectives, including but not limited to expansion of communities and economic development . . .''

The BLM prepared a parcel-specific Determination of National Environmental Policy Act Adequacy (DNA) document numbered DOI–BLM–NV–E030–2019–0005–DNA in connection with this Notice of Realty Action found at *https://go.usa.gov/xAsFM.*

These lands are not needed for any Federal purposes and the United States has no present interest in the property. All minerals for the subject land will be reserved to the United States pursuant to 43 CFR 2720.0–6. The patent, when issued, will contain a mineral reservation to the United States for all minerals.

The public land would not be offered for sale to the City of West Wendover until at least July 6, 2021, at the appraised fair market value of $840,000. Conveyance of the identified public land would be subject to valid existing rights of record and the following terms, conditions, and reservations:

1. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary are reserved to the United States, together with all necessary access and exit rights;

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

3. Valid existing rights; and

4. An appropriate indemnification clause protecting the United States from claims arising out the patentee's use, occupancy, or occupations on the patented lands.

Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA), as amended, notice is hereby given that the land has been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor have any hazardous substances been disposed of or released on the subject property. To the extent required by law, all parcels are subject to the requirements of Section 120(h) of CERCLA.

It is the City of West Wendover's responsibility to be aware of all applicable Federal, State, and local government laws, regulations, and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the City of West Wendover's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the City of West Wendover to be aware, through due diligence, of those laws, regulations, and policies, and to seek any required local approvals for future uses. The City of West Wendover should make itself aware of any Federal or State law or regulation that may affect the future use of the property. Any land lacking access from a public road or highway will be conveyed as such, and future acquisition for access will be the responsibility of the City of West Wendover.

The City of West Wendover will have until 4:30 p.m., Pacific Standard Time (PST), 20 days from the date of receiving the sale offer to accept the offer and submit a deposit of 20 percent of the purchase price. The City of West Wendover must remit the remainder of the purchase price within 180 days from the date of receiving the sale offer to the Elko District Office. Payment must be received in the form of a certified check, postal money order, bank draft, or cashier's check payable to the U.S. Department of the Interior—BLM. Failure to meet conditions established for this sale will void the sale and any funds received will be forfeited. The BLM will not accept personal or company checks.

Failure to submit the full price prior to, but not including the 180th day following the day of the sale, shall result in cancellation of the sale of the specific parcel and the deposit shall be forfeited and disposed of as other receipts of sale.

Arrangements for electronic fund transfer to the BLM for the payment of the balance due must be made a minimum of two weeks prior to the payment date.

In accordance with 43 CFR 2711.3–1(f), within 30 days the BLM may accept or reject any offer to purchase, or interest therein from sale if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full price is paid.

Detailed information concerning the land sale including the appraisal report, environmental assessment, and mineral report are available for review at the BLM Elko District, Wells Field Office. Public comments regarding the sale may be submitted in writing to the Field Manager (see the **ADDRESSES** Section).

Any adverse comments will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior not less than 60 days after May 7, 2021.

Before including your address, phone number, email address, or other personal identifying information in any comment, 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.

Authority: 43 CFR 2711.1–2.

Melanie Mitchell,

Wells Field Office Manager, Elko District, Wells Field Office.

[FR Doc. 2021–09636 Filed 5–6–21; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–XXX–L19100000–BJ0000–LRCSKX902600]

Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The Bureau of Land Management (BLM) is scheduled to file

plats of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. This survey, which was executed at the request of the Bureau of Reclamation, was necessary for the management of these lands.

DATES: Protests must be received by the BLM prior to the scheduled date of official filing by June 7, 2021.

ADDRESSES: You may submit written protests to the Wyoming State Director at WY926, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

A person or party who wishes to protest one or more plats of survey identified below must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Sonja Sparks, BLM Wyoming Chief Cadastral Surveyor, at 307–775–6225 or *s75spark@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Wyoming State Office, Cheyenne, Wyoming.

Sixth Principal Meridian, Wyoming

T. 50 N., R. 67 W., Group No. 1018, dependent resurvey, accepted March 12, 2021

T. 51 N., R. 66 W., Group No. 1031, corrective dependent resurvey and dependent resurvey, accepted March 30, 2021

Copies of the preceding described plat and field notes are available to the public at a cost of $4.20 per plat and $0.15 per page of field notes. Requests can be made to *blm_wy_survey_records@blm.gov* or by telephone at 307–775–6222.

(Authority: 43 U.S.C., Chapter 3)

Dated: May 3, 2021.

Sonja S. Sparks,

Chief Cadastral Surveyor, Division of Minerals & Lands.

[FR Doc. 2021–09618 Filed 5–6–21; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD6000.L51010000.ER0000. LVRWB20B5120. 20XL1109AF;MO#4500153248]

Notice of Availability of the Record of Decision for the Crimson Solar Project and the Proposed Amendment to the California Desert Conservation Area Plan, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Record of Decision (ROD) for the Final Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)/Plan Amendment developed for the proposed Crimson Solar Project, and by this notice is announcing its availability.

DATES: The Principal Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior signed the ROD on April 30, 2021.

ADDRESSES: Copies of the ROD are available for public inspection during regular business hours at 1201 Bird Center Drive, Palm Springs, CA 92262. Due to COVID–19 related office closures, an appointment must be made in advance. Please contact the project manager listed below to make an appointment. Interested persons may also review the ROD at: *https://go.usa.gov/xACdN.*

FOR FURTHER INFORMATION CONTACT: Miriam Liberatore, Project Manager, telephone: 541–618–2200; email: *mliberat@blm.gov;* mailing address: Bureau of Land Management, 3040 Biddle Road, Medford, OR 97504. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Liberatore. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Sonoran West Solar Holdings LLC (the Applicant), a wholly owned subsidiary of Recurrent Energy LLC, applied for a right-of-way grant for a photovoltaic solar project with the BLM. The applicant proposed to construct, operate, maintain, and decommission a maximum 350-megawatt photovoltaic solar facility with integrated battery storage and necessary ancillary facilities, including project substations, access roads, operations and maintenance buildings, and lay down areas. The Proposed Action included 2,500 acres of BLM-administered land in the Riverside East Solar Energy Zone.

In addition to the Proposed Action (Alternative A), the Final EIS/EIR/Plan Amendment considered a no-action alternative and two action alternatives. Alternative B, Alternative Design, included one or more of three design elements to reduce grading, trenching, and vegetation removal during construction. Alternative C, Reduced Acreage Alternative, was the same as described under Alternative A in the number and size of project-related facilities and energy generation, but the project area was reduced to 2,049 acres. All action alternatives proposed amending the California Desert Conservation Area (CDCA) Plan to allow the project. The Agency Preferred Alternative combines the reduced grading and reduced vegetation removal elements of Alternative B and the facility sizes, locations, and separation by unit under Alternative C. The Selected Alternative is the Preferred Alternative with the inclusion of the paved access road from Power Line Road described under Alternative A. The CDCA Plan requires proposed utility sites not previously identified in the plan and proposed transmission lines outside designated utility corridors be considered through a Plan Amendment. This decision therefore amends the CDCA Plan to identify the Crimson Solar Project site as suitable for

solar energy generation and to recognize the development of a high-voltage transmission line outside a designated corridor.

The Draft EIS/EIR/Plan Amendment was circulated for a 90-day public comment period initiated in October 2019, **Federal Register** Notice of Availability (84 FR 58738). The BLM held public meetings on December 2 and 3, 2019, in Palm Desert and Blythe, respectively. Twenty-one comments were received during the comment period. Responses to substantive comments were in Appendix W of the Final EIS/EIR/Plan Amendment. Public comments resulted in the addition of clarifying text but did not warrant changes in the analysis or conclusions. The Final EIS/EIR/Plan Amendment was published February 12, 2021 (86 FR 9335), initiating a 30-day protest period and a concurrent Governor's consistency review of up to 60 days. During the protest period for the Proposed Amendments to the RMPs, the BLM received three protest letters. All protests were resolved prior to the issuance of the RODs. For a full description of the issues raised during the protest period and how they were addressed, please refer to the BLM Protest Resolution Report, which is available online at *https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports.* The Governor of California reviewed the Final EIS and Proposed Amendments to the RMPs and did not identify any inconsistencies with State or local plans, policies, or programs.

The BLM selects the Agency Preferred Alternative with the addition of the paved access road under Alternative A and amends the CDCA Plan. This decision constitutes the final decision of the Department of the Interior and is not subject to appeal under departmental regulations at 43 CFR part 4. Any challenge to this decision must be brought in the Federal District Court.

(Authority: 40 CFR part 1500; 43 CFR part 1610; 42 U.S.C. 4370m–6(a)(1))

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2021–09678 Filed 5–6–21; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1185]

Notice of Request for Submissions on the Public Interest; Certain Smart Thermostats, Smart HVAC Systems, and Components Thereof

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on April 20, 2021, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. On May 3, 2021, the ALJ issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: (1) A limited exclusion order directed to certain smart thermostats, smart HVAC systems, and components thereof imported, sold for importation, and/or sold after importation by the following respondents: ecobee Ltd. and ecobee, Inc. (collectively ''ecobee''); Google LLC (''Google''); Alarm.com Incorporated and Alarm.com Holdings, Inc. (collectively ''Alarm.com''); Daikin Industries, Ltd., Daikin America, Inc., and Daikin North America LLC (collectively ''the Daikin Respondents''); Schneider Electric USA, Inc. and Schneider Electric SE (collectively ''the Schneider Respondents''); and Vivint, Inc. (''Vivint'') (collectively, ''Respondents''); (2) cease and desist orders directed to each Respondent. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on May 3, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on June 4, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1185'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 4, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–09736 Filed 5–6–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–657 (Final)]

Chassis and Subassemblies From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of chassis and subassemblies (''chassis'') from China, provided for in subheadings 8716.39.00 and 8716.90.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be subsidized by the government of China.[2]

Background

The Commission instituted this investigation effective July 30, 2020, following receipt of petitions filed with the Commission and Commerce by the Coalition of American Chassis Manufacturers, consisting of Cheetah Chassis Corporation, Fairless Hills, Pennsylvania, Hercules Enterprises, LLC, Hillsborough, New Jersey, Pitts Enterprises, Inc., Pittsview, Alabama, Pratt Industries, Inc., Bridgman, Michigan, and Stoughton Trailers, LLC, Stoughton, Wisconsin. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of chassis from China were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 14, 2021 (86 FR 3193). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on March 16, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in this investigation on May 3, 2021. The views of the Commission are contained in USITC Publication 5187 (May 2021), entitled *Chassis and Subassemblies from China: Investigation No. 701–TA–657 (Final).*

By order of the Commission.

Issued: May 3, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–09658 Filed 5–6–21; 8:45 am]

BILLING CODE 7020–02–P

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[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 86 FR 15186 (March 22, 2021).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1145 (Rescission)]

Certain Botulinum Toxin Products, Processes for Manufacturing or Relating to Same and Certain Products Containing Same; Commission Decision To Institute a Rescission Proceeding and Rescind the Remedial Orders, To Grant the Motion To Limit Service of the Settlement Agreement, To Deny as Moot the Motion To Terminate, and To Indicate Ruling on Motion To Vacate; Termination of the Rescission Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding and rescind the remedial orders issued in the underlying investigation, to grant the motion to limit service of the settlement agreement, and to deny as moot the motion to terminate the investigation. The Commission has further determined that if the Federal Circuit dismisses the pending appeals as moot, the Commission will vacate its final determination. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the

Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On March 6, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by Medytox Inc. of Seoul, South Korea (''Medytox''); Allergan plc of Dublin, Ireland; and Allergan, Inc. of Irvine, California (collectively, ''Allergan'') (all collectively, ''Complainants''). *See* 84 FR 8112–13 (March 6, 2019). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain botulinum toxin products, processes for manufacturing or relating to same and certain products containing same by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry in the United States. *See id.* The notice of investigation names as respondents Daewoong Pharmaceuticals Co., Ltd. (''Daewoong'') of Seoul, South Korea and Evolus, Inc. (''Evolus'') of Irvine, California (collectively, ''Respondents''). *See id.* The Office of Unfair Import Investigations (''OUII'') was also a party to the investigation. *See id.*

On July 6, 2020, the Administrative Law Judge issued a final initial determination (''FID'') finding a violation of section 337 based on the misappropriation of Complainants' asserted trade secrets (including the Medytox bacterial strain and Medytox manufacturing processes), the threat or effect of which is to destroy or substantially injure an industry in the United States. On September 21, 2020, the Commission issued a notice determining to review the FID in part. *See* 85 FR 60489–90 (September 25, 2020).

On December 16, 2020, the Commission found a violation of section 337 based on the misappropriation of Complainants' trade secrets (including the Medytox manufacturing processes but not the Medytox bacterial strain). *See* 85 FR 83610–11 (Dec. 22, 2020). The Commission issued a limited exclusion order (''LEO'') against certain botulinum neurotoxin products that are imported and/or sold by Respondents Daewoong and Evolus and a cease and desist order (''CDO'') against Evolus. *Id.* The Commission also set a bond during the period of Presidential review in an amount of $441 per 100U vial of Respondents' accused products. *Id*

On February 12, 2021, Complainants filed an appeal from the Commission's final determination with the Federal Circuit. On the same day, Respondents also filed an appeal from the Commission's final determination of a violation of section 337. On February 18, 2021, Complainants and Evolus (collectively, ''the Settling Parties'') announced that they had reached a settlement agreement to resolve all pending issues between them.

On March 3, 2021, the Settling Parties filed a joint petition to rescind the LEO and CDO (collectively, ''the remedial orders'') based on the settlement agreement. On the same day, the Settling Parties also filed a joint motion to limit service of the settlement agreement. On March 16, 2021, Daewoong filed a notice of non-opposition to the joint motion to limit service. On April 1, 2021, the Settling Parties further filed a joint motion to terminate the investigation without prejudice pursuant to 19 CFR 210.21(b). On April 5, 2021, Daewoong filed a response to the Settling Parties' petition to rescind the remedial orders stating that it does not oppose the Settling Parties' petition for recission. Daewoong's response also included a motion for vacatur of the Commission's final determination. On April 8, 2021, OUII filed a response in support of the Settling Parties' petition to rescind and their joint motion to limit service. On April 12, 2021, Daewoong filed a response to the Settling Parties' motion to terminate the investigation, arguing that the motion to terminate should be denied as moot and opposing termination without prejudice. On April 15, 2021, Medytox filed a response in opposition to Daewoong's motion to vacate the final determination. On April 23, 2021, Daewoong filed a motion for leave to file a reply in support of its motion to vacate and on April 29, 2021, Medytox filed a response in opposition to the motion for leave to file a reply; the Commission accepts both of these filings and Daewoong's motion for leave to file a reply is granted.

Having reviewed the parties' submissions relating to (and in response to) the Settling Parties' petition to rescind, their joint motion to limit service, their joint motion to terminate, and Daewoong's motion to vacate, and for the reasons discussed in the Commission Opinion issued concurrently herewith, the Commission has determined to grant the joint petition to rescind the remedial orders and the joint motion to limit service, and to deny as moot the joint motion to terminate the investigation. The Commission has further determined that, if the Federal Circuit dismisses the pending appeals as moot, the Commission will vacate its final determination. Commissioner Karpel concurs in the determination to grant the Settling Parties' motion to rescind the remedial orders and their motion to limit service; and to deny as moot their motion to terminate the investigation. However, Commissioner Karpel would deny Daewoong's motion to vacate the Commission's final determination as procedurally improper. She would also deny Daewoong's motion for leave to file a reply. Further, Commissioner Karpel would decline to issue an indicative ruling as to whether Daewoong has established equitable entitlement to the extraordinary remedy of vacatur on the basis of the record before the Commission.

The rescission proceeding is terminated.

The Commission's vote on this determination took place on May 3, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 3, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–09652 Filed 5–6–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–814]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Indian Flower LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before 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. To ensure proper handling of comments, please reference Docket No—DEA–814 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (API) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on March 2, 2021, Indian Flower LLC., 1104 North 105th East Avenue, Tulsa, Oklahoma 74116–1527, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–09662 Filed 5–6–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–832]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Green Rush Organic Farms Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before 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. To ensure proper handling of comments, please reference Docket No—DEA–832 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on March 31, 2021, Green Rush Organic Farms Inc., 1318 South Kilbourn Avenue, Chicago, Illinois 60623, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–09663 Filed 5–6–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On April 28, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of New York in the lawsuit entitled *United States and State of New York* v. *Holcim (US) Inc.,* Civil Action No. 1:21–cv–490 (GTS–DJS). The United States and the State of New York filed this action for injunctive relief and civil penalties brought pursuant to Section 309(b) and (d) of the Clean Water Act (''CWA'' or the ''Act''), 33 U.S.C. 1319(b) and (d), and Article 17 of the New York Environmental Conservation Law (''ECL''), and regulations promulgated thereto, against Holcim (US) Inc. (''Holcim'' or ''Defendant''), as owner and as successor-in-interest at Defendant's Ravena Cement Plant (''Facility'' or ''Ravena Facility'') located at 1916 Route 9W in Ravena, New York for illegal discharges of pollutants and other violations of Section 301(a) of the CWA, 33 U.S.C. 1311(a), and for failing to comply with NYSDEC State Pollutant Discharge Elimination System Permit No. NY0005037 (the ''Permit''), issued pursuant to CWA § 402, 33 U.S.C. 1342. The complaint alleges that, between April 2015 and April 2021, Holcim violated the Clean Water Act through unauthorized discharges of pollutants to tributaries of the Hudson River, and that Holcim's predecessor-in-interest violated three prior administrative consent orders issued from 2011 to 2015. This action seeks to recover monetary penalties for these violations as well as injunctive relief compelling Holcim to come into compliance with the CWA, the ECL, and their respective implementing regulations.

The settlement, set forth in a consent decree lodged with the court, requires Holcim to comply with the terms of the Permit, pay an $850,000 civil penalty ($212,000 of which will be directed to a NYS Environmental Benefit Project improving stormwater management at Coeymans Landing Park in the Town of Coeymans, New York), and make other physical and operational improvements to the Facility.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of New York* v. *Holcim (US) Inc.,* D.J. Ref. No. 90–5–2–1–08221/8. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $17.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–09729 Filed 5–6–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

U.S. Marshals Service

[OMB Number 1105–0104]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; District/Aviation Security Officers (DSO/ASO) Personal Qualifications Statement

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The U.S. Marshals Service (USMS), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension with change of a currently approved collection.

(2) *The Title of the Form/Collection:* District/Aviation Security Officers (DSO/ASO) Personal Qualifications Statement.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: Form USM–234.

Component: U.S. Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: District/Aviation Security Officers Job Applicants.

Other: [None].

Abstract: This form will primarily be used to collect applicant reference information. Reference checking is an objective evaluation of an applicant's past job performance based on information collected from key individuals (*e.g.,* supervisors, peers, subordinates) who have known and

worked with the applicant. Reference checking is a necessary supplement to the evaluation of resumes and other descriptions of training and experience, and allows the selecting official to hire applicants with a strong history of performance. The questions on this form have been developed following the OPM, MSPB, and DOJ ''Best Practice'' guidelines for reference checking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1000 respondents will utilize the form, and it will take each respondent approximately 60 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1000 hours, which is equal to (1000 (total # of annual responses) * 1 (60 mins).

(7) *An Explanation of the Change in Estimates:* New collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 4, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–09699 Filed 5–6–21; 8:45 am]

BILLING CODE 4410–04–P

OFFICE OF MANAGEMENT AND BUDGET

Notice of Availability and Request for Comment on ''Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates Under Executive Order 13990''

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of availability and request for comments.

SUMMARY: The Office of Management and Budget (OMB), on behalf of the co-chairs of the Interagency Working Group on the Social Cost of Greenhouse Gases, including the Council of Economic Advisors (CEA) and the Office of Science and Technology Policy (OSTP), request comments on ''*Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990,*'' released on February 26, 2021, available at: *https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf.* The estimates of the social cost of carbon (SC–CO_2), social cost of methane (SC–CH_4), and social cost of nitrous oxide (SC–N_2O), collectively called the Social Cost of Greenhouse Gases (SC–GHG), are used to estimate the value to society of marginal reductions in greenhouse gas emissions, or conversely, the social costs of increasing such emissions, in the policy making process.

DATES: To ensure consideration, comments must be in writing and received by June 21, 2021.

ADDRESSES: Submit comments by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov (our preferred method). Follow the online instructions for submitting comments.

Please note that we cannot provide an option for written or faxed comments at this time due to COVID–19 protocols. Please submit comments electronically.

All comments and recommendations submitted in response to this notice will be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. The *www.regulations.gov* website is an ''anonymous access'' system, which means OMB will not know your identity or contact information unless you provide it in the body of your comment.

FOR FURTHER INFORMATION CONTACT: For further information, contact: Italy Martin, Office of Information and Regulatory Affairs, Office of Management and Budget, Email: *SocialCostofGreenhouseGasesComments@omb.eop.gov,* Telephone: (202) 395–1046.

SUPPLEMENTARY INFORMATION: Federal agencies began regularly incorporating SC–CO_2 estimates in benefit-cost analyses conducted under Executive Order (E.O.) 12866 in 2008, following a court ruling in which an agency was ordered to consider the value of reducing carbon dioxide emissions in a rulemaking process. In 2009, an original interagency working group (IWG) was established to ensure that agencies were using the best available science and to promote consistency in the estimated values. The IWG published SC–CO_2 estimates in 2010. These estimates were updated in 2013. In August 2016, the IWG published a technical support document (TSD) providing SC–CH_4 and SC–N_2O estimates using methodologies that are consistent with the methodology underlying the SC–CO_2 estimates.

The Technical Support Document (interim TSD) released on February 26, 2021, provides an interim update of SC–GHG estimates, which are reported in 2020 dollars, but otherwise use identical methods and inputs to those presented in the 2016 version of the TSD and its Addendum, including the same three peer-reviewed integrated assessment models. In addition, the interim TSD discusses scientific and economic advances that have been made since the time of the last updates to the IWG SC–GHG estimates. This notice requests public comment on the interim TSD as well as on how best to incorporate the latest peer-reviewed science and economics literature in order to develop an updated set of SC–GHG estimates. CEA, OMB, and OSTP request that comments be submitted electronically to OMB by [45 days after publication in the **Federal Register**] through *www.regulations.gov.*

Outline of Notice

1. Background
2. Issues for Comment

1. Background

A robust and scientifically founded assessment of the positive and negative impacts that an action can be expected to have on society is a core tenet of the policy-making process. This is particularly important in the area of climate change. In order to meet this charge, the Executive Branch has developed a set of estimates that represent the monetized impact to society associated with an incremental change in greenhouse gas emissions. These estimates have been developed over the course of many years, using the best science and economics available, and with input from the public.

The latest iteration of this longstanding policy was launched by the re-constituted Interagency Working Group on the Social Cost of Greenhouse Gases, which was re-established by Executive Oder (E.O.) 13990. The re-constituted IWG is committed to ensuring that the estimates agencies consider when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions continue to reflect the best available science and methodologies. In order to meet this charge, the IWG issued an interim Technical Support Document on February 26, 2021. It presents interim estimates of the social cost of carbon, methane, and nitrous oxide, as directed

by E.O. 13990. In addition, the Executive Order tasked the IWG with the following:

(1) Publishing a final update to the SC–GHG estimates no later than January 2022;

(2) providing recommendations by Sept 1, 2021, regarding areas of decision-making, budgeting, and procurement by the Federal Government where the SC–GHG estimates should be applied;

(3) providing recommendations by June 1, 2022, regarding a process for reviewing and, as appropriate, updating the SC–GHG estimates to ensure that these estimates are based on the best available economics and science;

(4) providing recommendations, to be published with the January 2022 SC–GHG estimates if feasible, to revise methodologies for SC–GHG calculations to the extent that current methodologies do not adequately take account of climate risk, environmental justice, and intergenerational equity; and

(5) considering the recommendations of the National Academies of Sciences, Engineering, and Medicine (NASEM) as reported in Valuing Climate Damages: Updating Estimation of the Social Cost of Carbon Dioxide (2017) and other pertinent scientific literature; engaging with the public and stakeholders; seeking the advice of ethics experts, and ensuring that the SC–GHG estimates reflect the interests of future generations in avoiding threats posed by climate change.

2. Issues for Comment

The IWG is issuing this notice in order to facilitate early and robust interaction with the public on this key aspect of this Administration's climate policy.

Request for Comment: The Co-Chairs of the IWG request comments, and any studies or other useful materials related to, the following:

- The general advances in science and economics included in this interim TSD, available at *https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf;*
- Approaches to implementing the recommendations of the NASEM as reported in Valuing Climate Damages: Updating Estimation of the Social Cost of Carbon Dioxide (2017), including recommendations for how the IWG should prioritize and respond to these recommendations;
- Other recent advances in science and economics, beyond those presented in the interim TSD, that could be incorporated into the pending update, including approaches to adequately take account of climate risk, environmental justice, and intergenerational equity;
- How best to reflect the latest scientific and economic understanding of discount rates appropriate for intergenerational analysis when using the interim SC–GHG estimates; and
- Areas of decision-making, budgeting, and procurement by the Federal Government where the SC–GHG estimates should be applied.

Dominic J. Mancini,

Deputy Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2021–09679 Filed 5–6–21; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2021–027]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed extension request.

SUMMARY: We are proposing to request an extension to use the two information collections described in this notice, which the National Historical Publications and Records Commission (NHPRC) uses in its grant program. Organizations requesting a grant from the NHPRC must submit certain information the NHPRC staff, reviewers, and the Commission use to determine if the applicant and proposed project are eligible for an NHPRC grant; if the request is recommended for approval, the prospective grantee provides additional information acknowledging the offer of the grant and regulatory requirements; and, grantees must respond to an accounting questionnaire designed to identify potential recipients with limited experience managing Federal funs and provide appropriate training or additional safeguards for Federal funds. We invite you to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before July 6, 2021.

ADDRESSES: Send comments by email to *tamee.fechhelm@nara.gov.* Because our buildings are temporarily closed during the COVID–19 restrictions, we are not able to receive comments by mail during this time.

FOR FURTHER INFORMATION CONTACT: Tamee Fechhelm, Paperwork Reduction Act Officer, by email at *tamee.fechhelm@nara.gov* or by telephone at 301.837.1694 with requests for additional information or copies of the proposed information collection and supporting statement.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. If you have comments or suggestions, they should address one or more of the following points: (a) Whether the proposed information collections are necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collections and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses.

We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record.

In this notice, we solicit comments concerning the following information collections:

Title: National Historical Publications and Records Commission (NHPRC) Grant Program Budget Form and Instructions and NHPRC Grant Offer Acknowledgement.

OMB number: 3095–0013.

Agency form number: NA Form 17001 and 17001a.

Type of review: Regular.

Affected public: Nonprofit organizations and institutions, state and local government agencies, and Federally-acknowledged or state-recognized Native American tribes or groups, who apply for and receive NHPRC grants for support of historical documentary editions, archival preservation and planning projects, and other records projects.

Estimated number of respondents: 244 per year submit applications; approximately 25 grantees need to submit revised budgets.

Estimated time per response: 10 hours per application; 5 hours per revised budget.

Frequency of response: On occasion for the application; as needed for revised budget. Currently, the NHPRC considers grant applications two times per year. Respondents usually submit no more than one application per year, and, for those who need to submit revised budgets, only one revised budget per year.

Estimated total annual burden hours: 1,765 hours.

Abstract: The NHPRC posts grant announcements to their website and to grants.gov (*www.grants.gov*), where the information will be specific to the grant opportunity named. The basic information collection remains the same. The NA Form 17001 is used by the NHPRC staff, reviewers, and the Commission to determine if the applicant and proposed project are eligible for an NHPRC grant, and whether the proposed project is methodologically sound and suitable for support. The NA Form 17001a, NHPRC Grant Offer Acknowledgement, is used after the Archivist of the United States, as chair of the Commission, recommends a grant for approval. The prospective grantee must acknowledge the offer of the grant and agree to meet the requirements of applicable Federal regulations. In addition, they must verify the existence of an indirect cost agreement with a cognizant Federal agency if they are claiming indirect costs in the project's budget.

1. *Title:* Accounting System and Financial Capability Questionnaire.

OMB number: 3095–0072.

Agency form numbers: NA Form 17003.

Type of review: Regular.

Affected public: Not-for-profit institutions and State, Local, or Tribal Government.

Estimated number of respondents: 75.

Estimated time per response: 4 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 300.

Abstract: Pursuant to the Title 2, Section 215 of the Code of Federal Regulations, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (formerly OMB Circular A–110), and OMB Circular A–133, Audits of States, Local Governments, and Non-Profit Organizations, grant recipients are required to maintain adequate accounting controls and systems in managing and administering Federal funds. Some of the recipients of grants from the NHPRC have proven to have limited experience with managing Federal funds. This questionnaire is designed to identify those potential recipients and provide appropriate training or additional safeguards for Federal funds. Additionally, the questionnaire serves as a pre-audit function in identifying potential deficiencies and minimizing the risk of fraud, waste, abuse, or mismanagement, which we use in lieu of a more costly and time consuming formal pre-award audit.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2021–09655 Filed 5–6–21; 8:45 am]

BILLING CODE 7515–01–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 no comments 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:

Title of Collection: Grantee Reporting Requirements for the Graduate Research Fellowship Program.

OMB Approval Number: 3145–0223.

Type of Request: Intent to seek approval to reinstate without revision an information collection for three years.

Proposed Project: The purpose of the NSF Graduate Research Fellowship Program is to help ensure the vitality and diversity of the scientific and engineering workforce of the United States. The program recognizes and supports outstanding graduate students who are pursuing research-based master's and doctoral degrees in science, technology, engineering, and mathematics (STEM) and in STEM education. The GRFP provides three years of support, to be used during a five-year fellowship period, for the graduate education of individuals who have demonstrated their potential for significant research achievements in STEM and STEM education.

The Graduate Research Fellowship Program uses several sources of information in assessing and documenting program performance and impact. These sources include reports from program evaluation, the GRFP Committee of Visitors, and data compiled from the applications. In addition, GRFP Fellows submit annual activity reports to NSF.

The GRFP Completion report is proposed as a continuing component of the annual reporting requirement for the program. This report, submitted by the GRFP Institution, certifies the completion status of Fellows at the institution (*e.g.,* in progress, completed, graduated, transferred, or withdrawn). The existing Completion Report, Grants Roster Report, and the Program Expense Report comprise the GRFP Annual Reporting requirements from the Grantee GRFP institution. Through submission of the Completion Report to NSF GRFP institutions certify the current status of all GRFP Fellows at the institution as either: In Progress, Graduated, Transferred, or Withdrawn. For Graduate Fellows with Graduated status, the graduation date is a required reporting element. Collection of this information allows the program to obtain information on the current status of Fellows, the number and/or percentage of Graduate Fellowship recipients who complete a science or engineering graduate degree, and an estimate of time to degree completion.

The report must be certified and submitted by the institution's designated Coordinating Official (CO) annually.

Use of the Information: The completion report data provides NSF with accurate Fellow information regarding completion of the Fellows' graduate programs. The data is used by NSF in its assessment of the impact of its investments in the GRFP, and informs its program management.

Estimate of Burden: Overall average time will be 15 minutes per Fellow (8,250 Fellows) for a total of 2,063 hours for all institutions with Fellows. An estimate for institutions with 12 or fewer Fellows will be 1 hour, institutions with 12–48 fellows will be 4 hours, and institutions over 48 Fellows will be 10 hours.

Respondents: Academic institutions with NSF Graduate Fellows (GRFP Institutions).

Estimated Number of Responses per Report: One from each of the 271 current GRFP institutions.

Dated: May 3, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–09657 Filed 5–6–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0252]

Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants

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–1371, ''Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants.'' This proposed Revision 6 of Regulatory Guide (RG) 1.26, incorporates additional information that provides guidance for alternative quality classification systems for components in light-water reactor (LWR) nuclear power plants and updates the staff position regarding classification of Quality Group C components to reflect the latest guidance on systems that contain radioactive material since Revision 5 (02/2017), of RG 1.26 was issued. The appendices to this RG provide guidance for alternative quality classification systems for components in LWR nuclear power plants.

DATES: Submit comments by July 6, 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 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–2020–0252. 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–7A06, 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: Thomas Scarbrough, Office of Nuclear Reactor Regulation, telephone: 301–415–2794 email: *Thomas.Scarbrough@nrc.gov* or James Steckel, Office of Nuclear Regulatory Research, telephone: 301 415–1026 email: *James.Steckel@nrc.gov.* Both are staff members 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–2020–0252 when contacting the NRC about the availability of information regarding 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–2020–0252.
- *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.*
- *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–2020–0252 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. 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, ''Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants'' is a proposed revision temporarily identified by its task number, DG–1371 (ADAMS Accession No. ML20168A883). The draft guide is proposed Revision 6 of RG 1.26, ''Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants'' (ADAMS Accession No. ML16082A501). The proposed revision guidance for a quality classification system related to specified national standards that may be used to determine quality standards acceptable to the staff of the NRC for satisfying General Design Criterion 1, ''Quality Standards and Records,'' as set forth in appendix A, ''General Design Criteria for Nuclear Power Plants,'' part 50 of title 10 of the *Code of Federal Regulations* (CFR), ''Domestic Licensing of Production and Utilization Facilities'' for components containing water, steam, or radioactive material in light-water-cooled nuclear power plants.

Changes are being made to provide guidance for alternative quality classification systems for components in light-water reactor nuclear power plants and updates the staff position regarding classification of Quality Group C components to reflect the latest guidance on systems that contain radioactive material since Revision 5, (02/2017) of RG 1.26 was issued.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML20168A893). 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

DG–1371, if finalized, would revise RG 1.26, incorporate additional information that provides guidance for alternative quality classification systems for components in LWR nuclear power plants, and update the staff position regarding classification of Quality Group C components to reflect the latest guidance on systems that contain radioactive material. Issuance of DG–1371, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 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 the issue finality of any approval issued under 10 CFR part 52.

Dated: May 4, 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. 2021–09728 Filed 5–6–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 and 50–281; NRC–2021–0101]

Virginia Electric and Power Company; Surry Power Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Subsequent license renewal and record of decision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 to Virginia Electric and Power Company (Dominion Energy Virginia, Dominion, or the licensee), for Surry Power Station, Units 1 and 2, respectively. In addition, the NRC has prepared a record of decision (ROD) that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37.

DATES: The Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 were issued on May 4, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0101 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–2021–0101. 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 access 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: Angela Wu, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2995, email: *Angela.Wu@nrc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the NRC has issued Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 to Virginia Electric and Power Company (Dominion Energy Virginia, Dominion, or the licensee), for Surry Power Station, Units 1 and 2, respectively. Dominion is the operator of the facility. Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 authorize operation of Unit 1 and Unit 2, respectively, by Dominion at reactor core power levels not in excess of 2,587 megawatts thermal for each unit, in accordance with the provisions of the Surry Power Station, Units 1 and 2, subsequent renewed licenses and technical specifications. Notice is also given that the ROD that supports the NRC's decision to issue Subsequent Renewed Facility Operating License Nos. DPR–32 and DPR–37 is available in ADAMS Accession No. ML20091L985.

As discussed in the ROD and the final supplemental environmental impact statement (FSEIS) for Surry Power Station, Units 1 and 2, Supplement 6, Second Renewal, to NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Subsequent License Renewal for Surry Power Station, Units 1 and 2, Final Report,'' dated April 2020 (ADAMS Accession No. ML20071D538), the NRC staff initially considered 16 alternatives to subsequent license renewal. The NRC staff dismissed 13 alternatives because of technical, resource availability, or commercial limitations that currently exist and that are likely to continue to exist when the existing Surry renewed licenses expire, rendering these alternatives not feasible and commercially viable. This resulted in the three reasonable replacement power

alternatives for in-depth evaluation: (a) a new nuclear (Small Modular Reactor) generation alternative, (b) a natural gas combined-cycle power plant, and (c) a combination of natural gas combined-cycle power plant, solar, and demand-side management. The FSEIS documents the environmental review, including the determination that the adverse environmental impacts of subsequent license renewal for Surry Power Station, Units 1 and 2, are not so great that preserving the option of subsequent license renewal for energy planning decisionmakers would be unreasonable. In addition to the NRC staff's independent environmental review, the FSEIS conclusion is based on (1) the analysis and findings in NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,'' (2) information provided in the environmental report submitted by Dominion, (3) consultation with Federal, State, local, and Tribal agencies, and (4) the NRC staff's consideration of public comments.

Surry Power Station, Units 1 and 2, are three-coolant-loop, pressurized light water reactors located on a site situated on Gravel Neck, adjacent to the James River in Surry County, Virginia. The application for the subsequent renewed licenses, ''Surry Power Station Units 1 and 2 Application for Subsequent License Renewal,'' dated October 15, 2018 (ADAMS Package Accession No. ML18291A842), as supplemented by letters dated through April 8, 2021 (ADAMS Package Accession No. ML21112A337), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. As required by the Act and NRC regulations in chapter 1 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC has made appropriate findings, which are set forth in the subsequent renewed licenses.

A public notice of the proposed issuance of the subsequent renewed licenses and an opportunity for a hearing was published in the **Federal Register** on December 10, 2018 (83 FR 63541) and corrected on December 17, 2018 (83 FR 64606). There were no petitions to intervene filed for the Surry subsequent license renewal application.

For further details with respect to this action, see: (1) Virginia Electric and Power Company's subsequent license renewal application for Surry Power Station, Units 1 and 2, dated October 15, 2018, as supplemented by letters dated through April 8, 2021; (2) the NRC's safety evaluation report, dated March 2020 (ADAMS Package Accession No. ML20052F520); (3) the NRC's final environmental impact statement (NUREG–1437, Supplement 6, Second Renewal) for Surry Power Station Units 1 and 2, dated April 2020; and (4) the NRC's ROD.

Dated: May 4, 2021.

For the Nuclear Regulatory Commission.

Anna H. Bradford,

Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–09719 Filed 5–6–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

686th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on June 2–4, 2021. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will conduct virtual meetings. The public will be able to participate in any open sessions via 1–866–822–3032, pass code 8272423#. A more detailed agenda may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.*

Wednesday, June 2, 2021

11:00 a.m.–11:15 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

11:15 a.m.–1:00 p.m.: Risk-informed Process for Evaluations of Low *Safety-significance Issue Resolution* (Open/Closed)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic. [NOTE: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

2:00 p.m.–6:00 p.m.: Preparation of Reports/Bylaws Review (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Bylaws review. [NOTE: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]. [NOTE: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Thursday, June 3, 2021

9:30 a.m.–12:00 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [NOTE: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]. [NOTE: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.].

12:00 p.m.–6:00 p.m.: Preparation of ACRS Reports and Bylaws Review (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Bylaws review. [NOTE: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.] [NOTE: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Friday, June 4, 2021

9:30 a.m.–6:00 p.m.: Preparation of ACRS Reports and Bylaws Review (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Bylaws review. [NOTE: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.] [NOTE: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and

information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Dated: May 4, 2021.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2021–09718 Filed 5–6–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of May 10, 17, 24, 31, June 7, 14, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of May 10, 2021

Tuesday, May 11, 2021

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

Week of May 17, 2021—Tentative

There are no meetings scheduled for the week of May 17, 2021.

Week of May 24, 2021—Tentative

Tuesday, May 25, 2021

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Spent Fuel Storage and Transportation Business Lines (Public Meeting) (Contact: Damaris Marcano: 301–415–7328)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of May 31, 2021—Tentative

There are no meetings scheduled for the week of May 31, 2021.

Week of June 7, 2021—Tentative

Tuesday, June 8, 2021

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Anne DeFrancisco: 610–337–5078)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Thursday, June 10, 2021

10:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting) (Contact: Nicole Fields: 630–829–9570)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*

Week of June 14, 2021—Tentative

There are no meetings scheduled for the week of June 14, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 5, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–09875 Filed 5–5–21; 4:15 pm]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271; NRC–2021–0103]

Vermont Yankee and US Ecology Idaho Alternate Disposal Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuing an approval to NorthStar Nuclear Decommissioning Co., LLC (NorthStar, or the licensee) for alternate disposal of low-activity radioactive

wastewater containing byproduct material from the Vermont Yankee Nuclear Power Station (VY) located in Vernon, Vermont. Additionally, the NRC is considering the related action of approving an exemption to US Ecology Idaho (USEI) from licensing to allow USEI to receive and possess the byproduct radioactive materials from VY without an NRC license. The NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed approvals.

DATES: The EA and FONSI in this document are available on May 7, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0103 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–2021–0103. 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 *https://www.nrc.gov/reading-rm/adams.html* and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' 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.

FOR FURTHER INFORMATION CONTACT: Jack D. Parrott, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–00001; telephone: 301–415–6634, email: *Jack.Parrott@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering a request by NorthStar, dated May 20, 2020, as supplemented by letter dated September 21, 2020, and email dated March 15, 2021, for alternate disposal of approximately 7.57 million liters (2,000,000 gallons) of low-activity radioactive wastewater containing byproduct material, from activities associated with the decommissioning process at VY, to the USEI Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous and low-activity radioactive waste treatment and disposal facility located near Grand View, Idaho. Additionally, USEI requested, by letter dated May 4, 2020, an exemption from the licensing requirements of § 30.3 of title 10 of the *Code of Federal Regulations* (10 CFR) to allow USEI to receive, process, and dispose of byproduct radioactive material from VY without an NRC license. These requests were made under the alternate disposal provision contained in 10 CFR 20.2002 and the exemption provisions in 10 CFR 30.11. This EA has been developed in accordance with the requirements of 10 CFR 51.30.

II. Environmental Assessment

Description of Proposed Action

The proposed action consists of NRC approval of NorthStar's alternate disposal request under 10 CFR 20.2002 and USEI's exemption request under 10 CFR 30.11. The proposed action arises from the decommissioning of the shutdown VY reactor facility. By letter dated January 12, 2015, Entergy Nuclear Operations, Inc. (ENO—the previous VY licensee) certified that VY had permanently ceased power operations and that all fuel had been permanently removed from the reactor vessel and placed in the spent fuel pool, thus beginning the decommissioning phase for VY.

In its May 20, 2020 letter, NorthStar requested approval for the alternative waste disposal of certain low-activity radioactive wastewater containing byproduct material (wastewater) resulting from activities associated with the VY decommissioning process. NorthStar's May 20, 2020 letter transmitted its application for alternative waste disposal, which was submitted in accordance with 10 CFR 20.2002. NorthStar's application described the processing and disposal of the wastewater at the USEI facility.

In its May 4, 2020 letter, USEI also requested an exemption from the licensing requirements of 10 CFR 30.3, pursuant to 10 CFR 30.11, for the USEI facility in Grand View, Idaho, to allow for the disposal of VY wastewater. Because the USEI facility is not licensed by the NRC, this proposed action would require the NRC to exempt USEI from the Atomic Energy Act of 1954, as amended (AEA) and NRC licensing requirements in 10 CFR part 30 with respect to the low-activity material authorized for disposal.

This request is similar to the previous VY request for alternate disposal of 757,082 liters (200,000 gal) of low-activity radioactive wastewater to the same USEI facility in 2016 that was approved by the NRC in 2017. The primary difference between the previous request and the request described in this EA/FONSI is the increased volume of the material to be disposed.

The USEI facility is a RCRA Subtitle C hazardous waste disposal facility permitted by the State of Idaho. The USEI site has both natural and engineered features that limit the release of any stored radioactive material into the environment. The natural features include an arid climate with an annual precipitation rate of 18.4 cm (7.4 in)/year, and an average vertical distance to groundwater below the disposal zone of 61 m (203 ft). The engineered features include the waste disposal facility covers, the liners, and the leachate monitoring systems. The wastewater would be transported by rail tanker from the VY facility in Vernon, Vermont to the USEI rail transfer facility located in Mayfield, Idaho. Upon receipt of the water at the rail transfer facility, the wastewater will be transferred to tanker trucks and transported by roadway to the stabilization facility on the USEI site where it will be solidified by mixing with clay prior to disposal.

The wastewater to be disposed consists of approximately 7.57 million liters (2,000,000 gal) of plant process and infiltration water associated with the decommissioning of VY. This water will include fission and activation products resulting from VY operations. The radionuclide concentrations in the wastewater, are described in NorthStar's submittal, and are of low activity consistent with ongoing demolition activities including reactor vessel segmentation and removal. For conservatism, the radiological concentrations in the water to be solidified are assumed by the licensee to be above the measured amount for any radionuclide that was detected and above the minimum detectable concentration for any radionuclide that was not detected.

Need for Proposed Action

The need for the proposed action is to authorize an appropriate method of disposal for surplus wastewater containing radioactive material currently stored or expected to be generated at the shutdown VY power reactor in Vernon, VT. The wastewater is generated as a result of ongoing demolition activities including reactor vessel segmentation and removal. The USEI facility in Grand View, Idaho has the capability to receive and process the wastewater, solidify it with clay and disposed of it as a soil-like waste.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the evaluation performed by the licensee to demonstrate compliance with the 10 CFR 20.2002 alternate disposal criteria. Under these criteria, a licensee may seek NRC authorization to dispose of licensed material using procedures not otherwise authorized by NRC regulations. The licensee's application must include a description of the waste containing the licensed material, including the physical and chemical properties important to risk evaluation, and the proposed manner and conditions of disposal. The application must also include an analysis and evaluation of pertinent environmental information and the nature and location of any other potentially affected licensed and unlicensed facilities. Finally, the licensee's supporting analysis must show that the radiological doses arising from the proposed 10 CFR 20.2002 disposal will be as low as reasonably achievable and within the 10 CFR part 20 dose limits.

Based on this analysis, NorthStar concludes that the dose equivalent for the maximally exposed individual, which includes workers involved in the transportation and placement of this waste, will not exceed ''a few mrem per year.'' The standard of a ''few [millirem per year] mrem/yr'' to a member of the public is set forth in NRC Regulatory Issues Summary 2004–08, ''Results of the License Termination Rule Analysis.'' The USEI workers are treated as members of the public because the USEI site, while permitted by the State of Idaho under RCRA to accept certain radioactive materials, is not licensed by the NRC.

The NRC staff evaluated activities and potential doses associated with waste handling and disposal as part of the review of this 10 CFR 20.2002 request. The NRC staff notes that the evaluation of the transport dose to the public is not required per the most recent revision to the ''Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material under 10 CFR 20.2002 and 10 CFR 40.13(a).'' Therefore, the NRC staff did not review the transport dose during their review of this 20.2002 request. The NRC staff evaluation is documented in a Safety Evaluation Report (SER). The NRC's SER found that the licensee's projected doses to individual USEI workers have been appropriately estimated and are demonstrated to meet the NRC's alternate disposal requirement of not more than ''a few mrem/yr'' to any member of the public.

The licensee also performed a radiological assessment of the potential dose to the general public from the USEI RCRA facility after its closure. They evaluated a post-closure dose to a member of the public, the intruder construction scenario, the intruder well drilling scenario, and the intruder driller occupancy scenario. The NRC guidance on the review of 20.2002 requests notes that a licensee can take credit for a thick cover to eliminate exposure scenarios involving intrusion into the waste, such as eliminating a basement excavation scenario if a cover is thicker than 3 m, because excavations are typically less than 3 m. Since the USEI cover is expected to be 6 m thick, the NRC staff concluded in the SER that the intruder construction scenario is not likely at the USEI site and that all of the other results for potential dose to the general public were not more than ''a few mrem/yr.'' The NRC staff's independent review of the post-closure and intruder scenarios described in the SER confirmed that the maximum projected dose over a period of 1,000 years is also within ''a few mrem/yr.''

The proposed action and attendant exemption of the disposal site from further AEA and NRC licensing requirements will not significantly increase the probability or consequences of accidents, and there is no significant increase in occupational or public radiation exposure at the off-site disposal facility. In general, the sorts of activities associated with the proposed action at the VY facility are bounded by the environmental analyses in the NRC's ''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities,'' NUREG–0586, Supplement 1, Volume 1 (2002) which discusses the processing of contaminated liquids, and the removal and transportation of radioactively contaminated material from decommissioning power reactor sites. This EA incorporates by reference and tiers from NUREG–0586, Supplement 1, Volume 1. Additionally, the NRC staff determined that the proposed action (*i.e.,* undertaking) does not involve the development or disturbance of additional land so is not the type of activity that would have the potential to cause effects on historic properties, and would have no effect on endangered or threatened species or their critical habitat not already evaluated in the Post Shutdown Decommissioning Activities Report (PSDAR) for Vermont Yankee and revised PSDAR.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the no-action alternative, under which the staff would deny the disposal request. The denial of the request would result in the wastewater being transported to a licensed low-level radioactive waste processing and disposal facility that is authorized to take this wastewater. All other factors would remain the same or similar. Therefore, the environmental impacts of the proposed action and the no-action alternative are similar, and the no-action alternative is accordingly was not further considered.

Agencies and Persons Consulted

The NRC provided a draft of this EA and draft of the NRC SER for this proposed action to the Idaho Department of Environmental Quality and the Vermont Department of Public Service for review on December 22, 2020, for a 30-day review. The State of Idaho Department of Environmental Quality (IDEQ) responded by letter dated January 12, 2021. The IDEQ had no technical comments but had one concern that the US Ecology's Site-Specific Dose Assessment methodology documents were not available for review. The State of Vermont Department of Public Service responded by letter dated January 29, 2021 and identified items for further clarification concerning the safety evaluation: 1) the dose from the cross country transportation of the contaminated wastewater from VY to the USEI facility; 2) the dose from multiple rail tank cars containing contaminated wastewater being marshalled in one location in transit or at the USEI facility; 3) the number of railcar shipments that would be needed to transport the 7.57 million liters (2,000,000 gal) of contaminated wastewater from VY to the USEI facility and the potential impact that would have on the dose estimates; and, 4) if this request would be sufficient to complete the disposal of the any remaining wastewater from VY, specifically any generated from the final decontamination of the structures

containing the contaminated wastewater that might have accumulated sediments at the bottom with potentially higher activity per volume than that contained in the wastewater. These comments were addressed in the revised SER.

III. Finding of No Significant Impact

The proposed action consists of the NRC approval of NorthStar's alternate disposal request under 10 CFR 20.2002 and USEI's exemption request under 10 CFR 30.11. The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA and NUREG–0586, Supplement 1, which is incorporated by reference, the NRC finds that the proposed action will not have a significant effect on the quality of the human environment, and therefore, the preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a FONSI is appropriate.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS Accession No.
Alternate disposal request by NorthStar, dated May 20, 2020	ML20157A123.
Alternate disposal request supplement letter, dated September 21, 2020	ML20290A492.
Alternate disposal request supplement	ML21075A144 (Package).
e-mail, dated March 15, 2021	
USEI request for exemption, dated May 4, 2020	ML20174A590.
Safety Evaluation Report, dated March 18, 2021	ML21081A085.
"Guidance for the Reviews of Proposed Disposal Procedures and Transfers of Radioactive Material under 10 CFR 20.2002 and 10 CFR 40.13(a)," published April 2020.	ML18296A068.
ENO letter certifying cessation of power operations, dated January 12, 2015	ML15013A426.
NRC Regulatory Issues Summary 2004–08, "Results of the License Termination Rule Analysis," dated May 28, 2004.	ML041460385.
NRC's "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," NUREG–0586, Supplement 1, Volume 1.	ML023470327 (Package).
PSDAR for Vermont Yankee, dated December 19, 2014	ML14357A110.
Revised PSDAR for Vermont Yankee, dated April 6, 2017	ML17096A394.
Draft NRC EA and SER e-mail sent to the Idaho Department of Environmental Quality and the Vermont Department of Public Service on December 22, 2020.	ML21006A024.
The State of Idaho Department of Environmental Quality response letter, dated January 12, 2021.	ML21028A526.
The State of Vermont Department of Public Service response letter, dated January 29, 2021.	ML21032A093.

Dated: May 4, 2021.

For the U.S. Nuclear Regulatory Commission.

Bruce A. Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 2021–09720 Filed 5–6–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91743; File No. SR–MIAX–2021–14]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Rulebook and Fee Schedule To Reflect a Rebranding of the Exchange's Affiliate, MIAX PEARL, LLC ("MIAX Pearl")

May 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 22, 2021, Miami International Securities Exchange, LLC ("MIAX Options" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the Exchange's Rulebook and Fee Schedule to reflect a rebranding of the Exchange's affiliate, MIAX PEARL, LLC ("MIAX Pearl").

The Exchange has designated the proposed rule change as one being concerned solely with the administration of the Exchange pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Exchange's Rulebook [5] and Fee Schedule [6] as part of a non-substantive marketing effort to rebrand the Exchange's affiliate, MIAX Pearl. Pursuant to this proposal, the Exchange proposes to rebrand references to its affiliate's name, from the fully-capitalized words ''MIAX PEARL'' to now be ''MIAX Pearl,'' throughout the Exchange's Rulebook and the Fee Schedule.[7] The Exchange does not propose to amend references to the legal entity's name, ''MIAX PEARL, LLC,'' and the rebranded term ''MIAX Pearl'' will represent the same entity as the legal name, ''MIAX PEARL.''

Specifically, with the proposed rebranding, references in the Exchange's Rulebook and Fee Schedule to ''MIAX PEARL'' will be rebranded to ''MIAX Pearl.''

The rebranding of references to ''MIAX PEARL'' to now be to ''MIAX Pearl'' consists of non-substantive changes due to a recent rebranding effort conducted by the Exchange, as well as its affiliates, MIAX Pearl and MIAX Emerald, LLC (''MIAX Emerald''). The Exchange proposes to implement the rebranding changes for marketing purposes. With the rebranding changes, the term ''MIAX Pearl'' will be consistent with how its affiliate, ''MIAX Emerald,'' is named. The Exchange notes that no changes to the ownership or structure of MIAX Pearl have taken place and that the term ''MIAX Pearl'' will represent the same entity as the legal entity's name, ''MIAX PEARL.'' In lieu of providing a copy of the marked changes, the Exchange represents that it will make the necessary non-substantive revisions to the Exchange's Rulebook and the Fee Schedule and post updated versions of each on the Exchange's website pursuant to Rule 19b–4(m)(2).[8]

Additionally, the Exchange's affiliate, MIAX Emerald, intends to file a similar proposal to rebrand its Rulebook and Fee Schedule to amend references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' which will reflect the same rebranding changes described herein.

The Exchange notes that this filing is based on a similar proposal recently filed by MIAX Pearl to amend MIAX Pearl's Rulebook and Fee Schedules to reflect these same rebranding efforts.[9]

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [10] in general, and furthers the objectives of Section 6(b)(5) of the Act [11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest because the proposal will eliminate potential confusion on the part of market participants using the products and services of the Exchange in light of the corporate rebranding that the Exchange and its affiliates, MIAX Pearl and MIAX Emerald, have undergone.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(1) of the Act [12] in that it aims to continue to ensure that the Exchange has the capacity to carry out the purposes of the Act and to enforce compliance by its Members [13] with the provisions of the Act as well as the rules and regulations thereunder. The Exchange proposes to amend the Rulebook and the Fee Schedule to rebrand references to ''MIAX PEARL'' to now be ''MIAX Pearl.'' The proposed rebrand consists of non-substantive changes to the Rulebook and the Fee Schedule of the Exchange so that the term ''MIAX Pearl,'' is consistent with its affiliate's name, ''MIAX Emerald,'' as part of a broader marketing effort by the Exchange and its affiliates, MIAX Pearl and MIAX Emerald. Therefore, the Exchange believes that the rebrand will protect investors and the public interest by eliminating confusion that may exist because of differences in the other naming conventions of MIAX Pearl. No changes to the ownership or structure of MIAX Pearl have taken place. The Exchange notes that the term ''MIAX Pearl'' will represent the same entity as ''MIAX PEARL.'' The Exchange notes that its affiliate, MIAX Emerald, will file a similar proposal to amend its Rulebook and Fee Schedule to rebrand references to ''MIAX PEARL'' to now be to ''MIAX Pearl,'' to provide uniformity among the Exchange, MIAX Pearl and MIAX Emerald, to avoid potential confusion by market participants.

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. The Exchange does not believe the proposal will impose any burden on intra-market competition because the proposed rule change is not a competitive filing but rather is designed to effectuate the Exchange's rebranding of references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' as part of a corporate rebranding and marketing strategy. The proposed changes to the Exchange's Rulebook and Fee Schedule will help provide clarity and uniformity to avoid potential confusion on the part of market participants because the rebrand of ''MIAX Pearl'' is part of a broader rebranding and marketing effort by the Exchange and its affiliates, MIAX Pearl and MIAX Emerald. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Rulebook and Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(3) [15] thereunder, in that the proposed rule change is concerned solely with the

[5] *See* MIAX Rulebook, as of Apr. 13, 2021, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_Options_Exchange_Rules_04132021.pdf.*

[6] *See* MIAX Fee Schedule, as of Apr. 12, 2021, available at: *https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Options_Fee_Schedule_04122021.pdf.*

[7] All references to MIAX Pearl's legal name will remain ''MIAX PEARL, LLC.'' This includes the reference to ''MIAX PEARL, LLC'' in Exchange Rule 100 for the definition of ''MIAX PEARL.'' For marketing purposes throughout the Rulebook and Fee Schedule, MIAX Pearl will otherwise be referred to as ''MIAX Pearl.''

[8] 17 CFR 240.19b–4(m)(2).

[9] *See* Securities Exchange Act Release No. 91537 (March 30, 2021), 86 FR 20216 (April 16, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–PEARL–2021–08).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(1).

[13] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(3).

administration of the self-regulatory organization.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2021–14 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–MIAX–2021–14. 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–MIAX–2021–14 and should be submitted on or before May 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–09645 Filed 5–6–21; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91742; File No. SR–EMERALD–2021–17]

Self-Regulatory Organizations; MIAX Emerald, LLC: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Rulebook and Fee Schedule To Reflect a Rebranding of the Exchange's Affiliate, MIAX PEARL, LLC (''MIAX Pearl'')

May 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 22, 2021, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Rulebook and Fee Schedule to reflect a rebranding of the Exchange's affiliate, MIAX PEARL, LLC (''MIAX Pearl'').

The Exchange has designated the proposed rule change as one being concerned solely with the administration of the Exchange pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Exchange's Rulebook[5] and Fee Schedule[6] as part of a non-substantive marketing effort to rebrand the Exchange's affiliate, MIAX Pearl. Pursuant to this proposal, the Exchange proposes to rebrand references to its affiliate's name, from the fully-capitalized words ''MIAX PEARL'' to now be ''MIAX Pearl,'' throughout the Exchange's Rulebook and the Fee Schedule.[7] The Exchange's affiliate does not propose to amend references to the legal entity's name, ''MIAX PEARL, LLC,'' and the rebranded term ''MIAX Pearl'' will represent the same entity as its legal name, ''MIAX PEARL.''

Specifically, with the proposed rebranding, references in the Exchange's Rulebook and Fee Schedule to ''MIAX PEARL'' will be rebranded to ''MIAX Pearl.''

[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)(3).

[5] *See* MIAX Emerald Rulebook, as of Apr. 13, 2021, available at: *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_Emerald_Exchange_Rules_04132021.pdf.*

[6] *See* MIAX Emerald Fee Schedule, as of Apr. 5, 2021, available at: *https://www.miaxoptions.com/sites/default/files/fee_schedule-files/MIAX_Emerald_Fee_Schedule_04052021.pdf.*

[7] All references to the MIAX Pearl's legal name will remain ''MIAX PEARL, LLC.'' This includes references to ''MIAX PEARL, LLC'' in Exchange Rule 100 for the definition of ''MIAX PEARL,'' and in the Exchange's Fee Schedule, Definitions, for the definition of ''MIAX PEARL.'' For marketing purposes throughout the Rulebook and Fee Schedule, MIAX Pearl will otherwise be referred to as ''MIAX Pearl.''

The rebranding of references to ''MIAX PEARL'' to now be to ''MIAX Pearl'' consists of non-substantive changes due to a recent rebranding effort conducted by the Exchange, as well as its affiliates, MIAX Pearl and Miami International Securities Exchange, LLC (''MIAX''). The Exchange proposes to implement the rebranding changes for marketing purposes. With the rebranding changes, the term ''MIAX Pearl'' will be consistent with how the Exchange, MIAX Emerald, is named (*i.e.,* ''MIAX Emerald''). The Exchange notes that no changes to the ownership or structure of the MIAX Pearl have taken place and that the term ''MIAX Pearl'' will represent the same entity as the legal entity's name, ''MIAX PEARL.'' In lieu of providing a copy of the marked changes, the Exchange represents that it will make the necessary non-substantive revisions to the Exchange's Rulebook and the Fee Schedule and post updated versions of each on the Exchange's website pursuant to Rule 19b–4(m)(2).[8]

Additionally, the Exchange's affiliate, MIAX, intends to file a similar proposal to rebrand its Rulebook and Fee Schedule to amend references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' which will reflect the same rebranding changes described herein.

The Exchange notes that this filing is based on a similar proposal recently filed by MIAX Pearl to amend MIAX Pearl's Rulebook and Fee Schedules to reflect these same rebranding efforts.[9]

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest because the proposal will eliminate potential confusion on the part of market participants using the products and services of the Exchange in light of the corporate rebranding that the Exchange and its affiliates, MIAX Pearl and MIAX, have undergone.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(1) of the Act[12] in that it aims to continue to ensure that the Exchange has the capacity to carry out the purposes of the Act and to enforce compliance by its Members[13] with the provisions of the Act as well as the rules and regulations thereunder. The Exchange proposes to amend the Rulebook and the Fee Schedule to rebrand references to ''MIAX PEARL'' to now be ''MIAX Pearl.'' The proposed rebrand consists of non-substantive changes to the Rulebook and the Fee Schedule of the Exchange so that its affiliate's name, ''MIAX Pearl,'' is consistent with its name, ''MIAX Emerald,'' as part of a broader marketing effort by the Exchange and its affiliates, MIAX Pearl and MIAX. Therefore, the Exchange believes that the rebrand will protect investors and the public interest by eliminating confusion that may exist because of differences in the other naming conventions of MIAX Pearl. No changes to the ownership or structure of MIAX Pearl have taken place. The Exchange notes that the term ''MIAX Pearl'' will represent the same entity as ''MIAX PEARL.'' The Exchange notes that its affiliate, MIAX, will file a similar proposal to amend its Rulebook and Fee Schedule to rebrand references to ''MIAX PEARL'' to now be to ''MIAX Pearl,'' to provide uniformity among the Exchange, MIAX Pearl and MIAX, to avoid potential confusion by market participants.

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. The Exchange does not believe the proposal will impose any burden on intra-market competition because the proposed rule change is not a competitive filing but rather is designed to effectuate the Exchange's rebranding of references to ''MIAX PEARL'' to now be ''MIAX Pearl,'' as part of a corporate rebranding and marketing strategy. The proposed changes to the Exchange's Rulebook and Fee Schedule will help provide clarity and uniformity to avoid potential confusion on the part of market participants because the rebrand of ''MIAX Pearl'' is part of a broader rebranding and marketing effort by the Exchange and its affiliates, MIAX Pearl and MIAX. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Rulebook and Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(3)[15] thereunder, in that the proposed rule change is concerned solely with the administration of the self-regulatory organization.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EMERALD–2021–17 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.

[8] 17 CFR 240.19b–4(m)(2).

[9] *See* Securities Exchange Act Release No. 91537 (March 30, 2021), 86 FR 20216 (April 16, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–PEARL–2021–08).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(1).

[13] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(3).

All submissions should refer to File Number SR–EMERALD–2021–17. 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–EMERALD–2021–17 and should be submitted on or before May 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–09644 Filed 5–6–21; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34263; File No. 812–15111]

Trinity Capital, Inc.

May 3, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 23(a), 23(b) and 63 of the Act; under sections 57(a)(4) and 57(i) of the Act and rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by section 57(a)(4) of the Act; and under section 23(c)(3) of the Act for an exemption from section 23(c) of the Act.

SUMMARY OF THE APPLICATION: Trinity Capital, Inc. (''Company'' or ''Applicant'') requests an order that would permit Applicant to (i) issue restricted shares of its common stock (''Restricted Stock'') as part of the compensation package for its non-employee directors (the ''Non-Employee Directors'')[1] through its 2019 Company Non-Employee Director Restricted Stock Plan (the ''Non-Employee Director Plan''), (ii) issue Restricted Stock as part of the compensation package for Employee Participants, excluding the Non-Employee Directors, through its 2019 Company Long Term Incentive Plan (the ''Long Term Incentive Plan''), (iii) withhold shares of the Applicant's common stock or purchase shares of Applicant's common stock from Employee Participants to satisfy tax withholding obligations relating to the vesting of Restricted Stock or the exercise of options to purchase shares of Applicant's common stock (''Options'') that will be granted pursuant to the Long Term Incentive Plan[2] and (iv) permit Employee Participants to pay the exercise price of Options that will be granted to them pursuant to the Long Term Incentive Plan with shares of Applicant's common stock.

APPLICANT: Trinity Capital, Inc.

FILING DATES: The application was filed on March 19, 2020, and amended on July 29, 2020, January 6, 2021, and April 29, 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 applicant with a copy of the request, personally or by mail. 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 applicant, 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 the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicant: Steven L. Brown, Chief Executive Officer, Trinity Capital, Inc., 3075 West Ray Road, Suite 525, Chandler, Arizona 85226, *sstanton@trincapinvestment.com.*

FOR FURTHER INFORMATION CONTACT: Stephan N. Packs, Senior Counsel, at (202) 551–6853, or David J. Marcinkus, 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 the applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. The Company is an internally managed, non-diversified, closed-end investment company that has elected to be regulated as a business development company (''BDC'') under the Act. Applicant provides debt, and to a lesser extent equipment lease financing, to growth stage companies. Applicant's investment objective is to generate current income and, to a lesser extent, capital appreciation. Applicant is a Maryland corporation that was formed in August 2019. Applicant had 26,415,275 shares of Common Stock outstanding as of April 26, 2021.

Applicant's common stock is listed on the Nasdaq Global Select Market under the symbol TRIN. As of December 31, 2020, Applicant had 34 employees and Applicant's total assets were $559,708,000.

2. Applicant currently has a five-member board of directors (the ''Board'') of whom three are Non-Employee Directors and non-interested persons of Applicant within the meaning of section 2(a)(19).

3. Applicant believes that, because the market for superior investment professionals is highly competitive, Applicant's successful performance depends on its ability to offer fair compensation packages to its professionals that are competitive with those offered by other investment management businesses. Applicant

[1] Employees, officers and employee directors, together the ''Employee Participants'' and each an ''Employee Participant.'' The Employee Participants and the Non-Employee Directors, together the ''Participants'' and each, a ''Participant.''

[2] No relief is sought in the application for the grant of Options to Non-Employee Directors because Options will not be granted pursuant to the Non-Employee Director Plan.

states that the ability to offer equity-based compensation to its employees and Non-Employee Directors, which both aligns employee and Board behavior with stockholder interests and provides a retention tool, is vital to Applicant's future growth and success.

4. The Applicant's 2019 Non-Employee Director Plan and 2019 Long Term Incentive Plan were adopted on October 17, 2019 by the Board, including the required majority as defined in Section 57(o) (the ''Required Majority'').[3]

5. The Board, including the Required Majority, found that granting Restricted Stock Awards to each Non-Employee Director will allow the Applicant to align its business plan and stockholder interests based on the nature of the Applicant's business and the characteristics of Restricted Stock Awards. Applicant states that Restricted Stock Awards allow Participants, over time, to become owners of the Applicant's stock with a vested interest in value maintenance, income stream and stock appreciation, which interests align with those of the Applicant's stockholders.

6. The Non-Employee Director Plan will be administered by a committee designated by the Board (''Compensation Committee''), the composition of which consists of ''non-employee directors'' within the meaning of rule 16b–3 under the Securities Exchange Act of 1934 (''Exchange Act'') each of whom also is not an ''interested person'' of Applicant within the meaning of section 2(a)(19) of the Act.

7. The Applicant's Non-Employee Director Plan provides that each Non-Employee Director may be granted shares of Restricted Stock at or about the beginning of each one-year term of service on the Board, subject to certain forfeiture restrictions. Applicant states that the number of such shares of Restricted Stock granted will be determined in the discretion of the Board. Applicant states that shares of Restricted Stock Awards will not be transferable except to a permitted transferee: The spouse or lineal descendants (including adopted children) of the Non-Employee Director, any trust for the benefit of the Non-Employee Director or the benefit of the spouse or lineal descendants (including adopted children) of the Non-Employee Director, or the guardian or conservator of the participant. Applicant states that any shares of Restricted Stock held by a Non-Employee Director or such director's permitted transferee that have not vested shall be terminated, returned to Applicant, and again be available for issuance under the Non-Employee Director Plan. Applicant also states that any Restricted Stock Award granted pursuant to the Non-Employee Director Plan but that is forfeited pursuant to the terms of the Plan or an award agreement shall again be available under the Non-Employee Director Plan. Applicant states that the maximum aggregate number of shares of common stock that may be authorized for issuance as Restricted Stock Awards under the Non-Employee Director Plan is 60,000 shares.

8. The Applicant's Long Term Incentive Plan provides for grants to Employee Participants of Restricted Stock and Options (''Plan Awards'').[4] The maximum aggregate number of shares of common stock that may be authorized for issuance under Plan Awards granted under the Long Term Incentive Plan is 3,600,00 shares. The maximum number of shares of common stock that any Employee Participant may be granted in a calendar year is 300,000 shares. Applicant states that any shares of common stock pursuant to a Plan Award that expires or otherwise terminates shall revert to and again become available for issuance under the Long Term Incentive Plan.

9. Unless the Board expressly provides otherwise, immediately upon the cessation of an Employee Participant's continuous service, that portion, if any, (i) of any Restricted Stock Award held by the Employee Participant or the Employee Participant's permitted transferee that is not then vested will terminate, and, in the case of a Restricted Stock Award, the unvested shares will be returned to the Applicant and will be available to be issued as Plan Awards under the Long Term Incentive Plan and (ii) of any Option held by an Employee Participant or such Employee Participant's Permitted Transferee that is not yet exercisable will terminate and the balance will remain exercisable for the lesser of (x) a period of three months or (y) the period ending on the latest date on which such Option could have been exercised, and will thereupon terminate subject to certain provisions. Plan Awards will not be transferable except for disposition by will or the laws of descent and distribution. In addition, a Non-Statutory Stock Option is transferable by gift to a permitted transferee to the extent provided by the Board.

Applicant's Legal Analysis

Sections 23(a) and (b), Section 63

1. Under section 63 of the Act, the provisions of section 23(a) of the Act generally prohibit a registered closed-end investment company from issuing securities for services or for property other than cash or securities are made applicable to BDCs. This provision would prohibit the issuance of Restricted Stock as a part of the Plans.

2. Section 23(b) of the Act generally prohibits a registered closed-end investment company from selling any common stock of which it is the issuer at a price below its current net asset value. Section 63(2) of the Act makes section 23(b) applicable to BDCs unless certain conditions are met. Because Restricted Stock that would be granted under the Plans would not meet the terms of section 63(2), sections 23(b) and 63 would prevent the issuance of Restricted Stock.

3. Section 6(c) provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes thereof, from any provision of the Act, if and to the extent that the 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.

4. Applicant requests an order pursuant to section 6(c) of the Act granting an exemption from the provisions of sections 23(a), 23(b) and 63 of the Act. Applicant states that the Plans would not raise the concerns underlying these sections, which include: (a) Preferential treatment of investment company insiders and the use of options and other rights by insiders to obtain control of the investment company; (b) complication of the investment company's structure that made it difficult to determine the value of the company's shares; and (c) dilution of shareholders' equity in the investment company. Applicant asserts that the Restricted Stock element of the Plans does not raise concerns about preferential treatment of Applicant's insiders because this element is a bona

[3] Section 57(o) of the Act provides that the term ''required majority,'' when used with respect to the approval of a proposed transaction, plan, or arrangement, means both a majority of a BDC's directors or general partners who have no financial interest in such transaction, plan, or arrangement and a majority of such directors or general partners who are not interested persons of such company.

[4] Although its Long Term Incentive Plan also permits the grant of Restricted Stock Units, Other Stock-Based Awards, Performance Based Awards, or Dividend Equivalent Rights, Applicant is not seeking relief from the Commission at this time to grant such units, awards, or rights. Applicant will not grant such units, awards, or rights unless and until Applicant requests and receives the necessary exemptive relief from the Commission with respect to such units, awards, or rights.

fide compensation plan of the type that is common among corporations generally. In addition, section 61(a)(4)(B) of the Act permits a BDC to issue to its directors, officers, employees, and general partners warrants, options, and rights to purchase the BDC's voting securities pursuant to an executive compensation plan, subject to certain conditions. Applicant states that section 61 and its legislative history do not address the issuance by a BDC of restricted stock as incentive compensation. Applicant believes, however, that the issuance of Restricted Stock is substantially similar, for purposes of investor protection under the Act, to the issuance of warrants, options, and rights as contemplated by section 61. Applicant also asserts that the issuance of Restricted Stock would not become a means for insiders to obtain control of Applicant because the maximum amount of Restricted Stock that may be issued under the Plans at any one time will be ten percent of the outstanding shares of common stock of Applicant.

5. Applicant further states that the Restricted Stock feature will not unduly complicate Applicant's capital structure because equity-based incentive compensation arrangements are widely used among corporations and commonly known to investors. Applicant notes that the Plans will be submitted for approval to the Applicant's stockholders. Applicant represents that the proxy materials submitted to Applicant's stockholders will contain a concise ''plain English'' description of the Plans and their potential dilutive effect. Applicant also states that it will comply with the proxy disclosure requirements in Item 10 of Schedule 14A under the Exchange Act. Applicant further notes that the Plans will be disclosed to investors in accordance with the requirements of the Form N–2 registration statement for closed-end investment companies and pursuant to the standards and guidelines adopted by the Financial Accounting Standards Board for operating companies. Applicant also will comply with the disclosure requirements for executive compensation plans applicable to BDCs.[5] Applicant thus concludes that the Plans will be adequately disclosed to investors and appropriately reflected in the market value of Applicant's shares.

6. Applicant acknowledges that awards granted under the Plans may have a dilutive effect on the stockholders' equity per share in Applicant, but believes that effect would be outweighed by the anticipated benefits of the Plans to Applicant and its stockholders. Moreover, based on the manner in which the issuance of Restricted Stock pursuant to the Plans will be administered, the Restricted Stock will be no more dilutive than if Applicant were to issue only Options to Employee Participants, as is permitted by section 61(a)(4) of the Act. Applicant asserts that it needs the flexibility to provide the requested equity-based compensation in order to be able to compete effectively for talented personnel with commercial banks, investment banks, and other publicly traded companies that also are not investment companies registered under the Act. Applicant believes that awards of Restricted Stock will benefit Applicant's stockholders and business prospects. Applicant also asserts that equity-based compensation would more closely align the interests of Applicant's employees and Non-Employee Directors with those of its stockholders. In addition, Applicant states that its stockholders will be further protected by the conditions to the requested order that assure continuing oversight of the operation of the Plans by the Board.

Section 57(a)(4), Rule 17d–1

7. Section 57(a) proscribes certain transactions between a BDC and persons related to the BDC in the manner described in section 57(b) (''57(b) persons''), absent a Commission order. Section 57(a)(4) generally prohibits a 57(b) person from effecting a transaction in which the BDC is a joint participant absent such an order. Rule 17d–1, made applicable to BDCs by section 57(i), proscribes participation in a ''joint enterprise or other joint arrangement or profit-sharing plan,'' which includes a stock option or purchase plan. Employees and directors of a BDC are 57(b) persons. Thus, the issuance of shares of Restricted Stock could be deemed to involve a joint transaction involving a BDC and a 57(b) person in contravention of section 57(a)(4). Rule 17d–1(b) provides that, in considering relief pursuant to the rule, the Commission will consider (a) whether the participation of the BDC in a joint enterprise is consistent with the policies and purposes of the Act and (b) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

8. Applicant requests an order pursuant to sections 57(a)(4) and 57(i) of the Act and rule 17d–1 under the Act to permit Applicant to issue Restricted Stock under the Plans. Applicant acknowledges that its role is necessarily different from the other participants because the other participants are its directors, officers, and employees. It notes, however, that the Plans are in the interest of the Applicant's stockholders, because the Plans will help align the interests of Applicant's employees with those of its stockholders, which will encourage conduct on the part of those employees designed to produce a better return for Applicant's stockholders. Additionally, section 57(j)(1) of the Act expressly permits any director, officer or employee of a BDC to acquire warrants, options and rights to purchase voting securities of such BDC, and the securities issued upon the exercise or conversion thereof, pursuant to an executive compensation plan which meets the requirements of section 61(a)(4)(B) of the Act. Applicant submits that the issuance of Restricted Stock pursuant to the Plans poses no greater risk to stockholders than the issuances permitted by section 57(j)(1) of the Act.

Section 23(c)

9. Section 23(c) of the Act, which is made applicable to BDCs by section 63 of the Act, generally prohibits a BDC from purchasing any securities of which it is the issuer except in the open market pursuant to tenders, or under other circumstances as the Commission may permit to ensure that the purchases are made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant states that the withholding or purchase of shares of Restricted Stock and common stock in payment of applicable withholding tax obligations or of common stock in payment for the exercise price of a stock option might be deemed to be purchases by the Company of its own securities within the meaning of section 23(c) and therefore prohibited by the Act.

10. Section 23(c)(3) of the Act permits a BDC to purchase securities of which it is the issuer in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant believes that the requested relief meets the standards of section 23(c)(3).

11. Applicant submits that these purchases will be made in a manner that

[5] See Executive Compensation and Related Party Disclosure, Securities Act Release No. 8655 (Jan. 27, 2006) (proposed rule); Executive Compensation and Related Party Disclosure, Securities Act Release No. 8732A (Aug. 29, 2006) (final rule and proposed rule), as amended by Executive Compensation Disclosure, Securities Act Release No. 8756 (Dec. 22, 2006) (adopted as interim final rules with request for comments).

does not unfairly discriminate against Applicant's stockholders because all purchases of Applicant's stock will be at the closing price of the shares of its common stock on any applicable stock exchange or national market system on the relevant date (*i.e.,* the public market price on the date of grant of Restricted Stock and the date of grant of Options). Applicant submits that because all transactions with respect to the Plans will take place at the public market price for the Applicant's common stock, these transactions will not be significantly different than could be achieved by any stockholder selling in a market transaction. Applicant represents that no transactions will be conducted pursuant to the requested order on days where there are no reported market transactions involving Applicant's shares.

12. Applicant represents that the withholding provisions in the Plans do not raise concerns about preferential treatment of Applicant's insiders because each Plan is a bona fide compensation plan of the type that is common among corporations generally. Furthermore, the vesting schedule is determined at the time of the initial grant of the Restricted Stock and the option exercise price is determined at the time of the initial grant of the Options. Applicant represents that all purchases may be made only as permitted by the Plans, which will be approved by the Applicant's stockholders prior to any application of the relief. Applicant believes that granting the requested relief would be consistent with the policies underlying the provisions of the Act permitting the use of equity compensation as well as prior exemptive relief granted by the Commission under section 23(c) of the Act.

Applicant's Conditions

Applicant agrees that the order granting the requested relief will be subject to the following conditions:

1. The Plans will be authorized by Applicant's stockholders.

2. Each issuance of Restricted Stock to an officer, employee, or Non-Employee Director will be approved by the Required Majority of Applicant's directors on the basis that such grant is in the best interest of Applicant and its stockholders.

3. The amount of voting securities that would result from the exercise of all of Applicant's outstanding warrants, options and rights, together with any Restricted Stock issued under the Plans, at the time of issuance shall not exceed 25% of the outstanding voting securities of the Company, except that if the amount of voting securities that would result from the exercise of all of the Company's outstanding warrants, options and rights issued to the Company's directors, officers and employees, together with any Restricted Stock issued pursuant to the Plans, would exceed 15% of the outstanding voting securities of the Company, then the total amount of voting securities that would result from the exercise of all outstanding warrants, options and rights, together with any Restricted Stock issued pursuant to the Plans, at the time of issuance shall not exceed 20% of the outstanding voting securities of the Company.

4. The amount of Restricted Stock issued and outstanding will not at the time of issuance of any shares of Restricted Stock exceed ten percent of Applicant's outstanding voting securities.

5. The Board will review the Plans at least annually. In addition, the Board will review periodically the potential impact that the issuance of Restricted Stock under the Plans could have on Applicant's earnings and net asset value per share, such review to take place prior to any decisions to grant Restricted Stock under the Plans, but in no event less frequently than annually. Adequate procedures and records will be maintained to permit such review. The Board will be authorized to take appropriate steps to ensure that the issuance of Restricted Stock under the Plans will be in the best interest of Applicant's stockholders. This authority will include the authority to prevent or limit the granting of additional Restricted Stock under the Plans. All records maintained pursuant to this condition will be subject to examination by the Commission and its staff.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–09650 Filed 5–6–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91744; File No. SR–NASDAQ–2021–025]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Connectivity, Surveillance and Risk Management Services and Fees

May 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 20, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain rules relating to connectivity, surveillance and risk management services fees. More specifically, the Exchange is proposing to amend Equity 7, Section 115 and adopt Equity 7, Sections 116–A and 149–A to incorporate these new products into the Exchange's pricing schedule.

While these amendments are effective upon filing, the Exchange has designated Equity 7, Section 116–A to be operative no later than Q3 2021.[3]

The text of the proposed rule change is set forth below. Proposed new language is italicized; deleted text is in brackets.

* * * * *

Section 115. Ports and Services †

The charges under this section are assessed by Nasdaq for connectivity to services and the following systems operated by Nasdaq or FINRA: The Nasdaq Market Center, FINRA Trade Reporting and Compliance Engine (TRACE), the FINRA/Nasdaq Trade Reporting Facility, FINRA's OTCBB Service, and the FINRA OTC Reporting Facility (ORF). The following fees are not applicable to The Nasdaq Options Market LLC. For related options fees for Ports and other Services refer to Options 7, Section 3 of the Options Rules.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As discussed in more detail throughout the filing, WorkX and Real-Time Stats launched on April 12, 2021 and Post-Trade Risk Management will launch no later than Q3 2021. Nasdaq will publish an Equity Trade Alert at least 10 days prior to launching Post-Trade Risk Management.

(a)–(d) No change.

(e) Specialized Services Related to FINRA/Nasdaq Trade Reporting Facility.

WebLink ACT or Nasdaq ..	$525.00/month.
Workstation Post Trade	A subscription includes: The Trade Reporting File Upload service, which allows members to upload multiple trade reports in batches to ACT; and the ACT Reject Scan service, which provides a list of all of a member's rejected ACT trade entries and a copy of each rejected trade report form submitted to ACT. $225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than six months dating back to 2009.
ACT Workstation	$525/logon/month. $225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than six months dating back to 2009.
Nasdaq WorkX	*$525/logon/month.* *$225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than one year dating back five years. For customers using both Act Workstation and Nasdaq WorkX, fees for Nasdaq WorkX will be waived for the first month of service.*

(f)–(j) No change.

† Fees are assessed in full month increments under this section, and thus are not prorated.

* * * * *

Section 116. Nasdaq Risk Management

(a) Clearing brokers using the Nasdaq Risk Management Service will be assessed a charge of $0.030 per side per trade monitored by Nasdaq Risk Management and a charge of $17.25 per month per correspondent executing broker monitored by Nasdaq Risk Management, up to a maximum charge of $7,500 per month per correspondent executing broker. Clearing brokers with less than 17,000 trades per month per correspondent executing broker and that fall below 50 total correspondents monitored during the month are assessed a monthly fee of $500 per correspondent executing broker monitored in lieu of the $0.030 per side per trade charge.

(b)–(c) No change.

Section 116–A. Nasdaq Post-Trade Risk Management

(a) Clearing brokers using the Nasdaq Post-Trade Risk Management Service will be assessed a charge of $0.030 per side per trade monitored by Nasdaq Post-Trade Risk Management and a charge of $17.25 per month per correspondent executing broker monitored by Nasdaq Post-Trade Risk Management, up to a maximum charge of $7,500 per month per correspondent executing broker. Clearing brokers with less than 17,000 trades per month per correspondent executing broker and that fall below 50 total correspondents monitored during the month are assessed a monthly fee of $500 per correspondent executing broker monitored in lieu of the $0.030 per side per trade charge. For customers using both Nasdaq Risk Management and Nasdaq Post-Trade Risk Management, fees for Nasdaq Post-Trade Risk Management will be waived for the first month of service.

* * * * *

Section 149. Nasdaq InterACT

Nasdaq InterACT is a surveillance tool that provides summaries of a subscribing member's trade activity for the FINRA/Nasdaq Trade Reporting Facility. Such summaries include the total number of trades that have been reported to the Facility, various statistics associated with those trades reported (including: declines, cancels, stepouts, as-ofs, etc), the total number of trades that must be reviewed for acceptance, and the total number of Regulation NMS trade throughs. ''FINRA/Nasdaq Trade Reporting Facility'' shall mean the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago.

InterACT is available for a subscription fee of $400 per month, per user, with a maximum fee of $2,400 per month, per member firm.

Section 149–A. Nasdaq Real-Time Stats

Nasdaq Real-Time Stats is a surveillance tool that provides summaries of a subscribing member's trade activity for the FINRA/Nasdaq Trade Reporting Facility to support compliance with FINRA rules. Such summaries include the total number of trades that have been reported to the Facility, various statistics associated with those trades reported (including: Declines, cancels, stepouts, as-ofs, etc), and the total number of trades that must be reviewed for acceptance. ''FINRA/Nasdaq Trade Reporting Facility'' shall mean the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago.

Real-Time Stats is available for a subscription fee of $400 per month, per user, with a maximum fee of $2,400 per month, per member firm. For customers using both Nasdaq InterACT and Nasdaq Real-Time Stats, fees for Nasdaq Real-Time Stats will be waived for the first month of service.

* * * * *

(b) Not applicable.

(c) Not applicable.

* * * * *

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

Nasdaq has re-platformed three of its products for trade reporting, surveillance and risk management services—(1) ACT Workstation (''Workstation''),[4] (2) Nasdaq InterACT (''InterACT'') [5] and (3) Nasdaq Risk Management (''Risk Management'').[6] These products will be renamed (1) Nasdaq WorkX™ (''WorkX''), (2) Nasdaq Real-Time Stats (''Real-Time Stats'') and (3) Nasdaq Post-Trade Risk Management (''Post-Trade Risk Management''), respectively.[7] The Exchange is proposing to amend Equity 7, Section 115 and adopt Equity 7, Sections 116–A and 149–A to incorporate these new products into the Exchange's pricing schedule.

Similar to the Workstation, WorkX is a web-based application that will facilitate trade reporting and clearing functions for the FINRA/Nasdaq Trade Reporting Facility Carteret (the ''FINRA/Nasdaq TRF Carteret'') and the FINRA/Nasdaq Trade Reporting Facility

[4] Workstation is a web-based application that electronically facilitates trade reporting and clearing functions for trades reported to the FINRA/Nasdaq TRF. Workstation services include trade entry, trade scan, and uploads for bulk trade entry to support FINRA/Nasdaq TRF participant trade reporting in accordance with Financial Industry Regulatory Authority (''FINRA'') rules.

[5] InterACT is a real-time compliance tool that assists firms with regulatory supervision of trade activity reported to the FINRA/Nasdaq TRF. InterACT summarizes and consolidates data for over the counter trade reports to help customers comply with FINRA rules.

[6] Risk Management is a Workstation add-on service which allows correspondent clearing firms to manage credit risk exposure by offering real-time monitoring against limit settings and activity trade controls.

[7] As discussed below, once all current participants have migrated to the re-platformed products, the Exchange will submit a future filing to retire the services and remove Workstation, InterACT and Risk Management products from its fee schedule.

Chicago (the ''FINRA/Nasdaq TRF Chicago'') (collectively, the ''FINRA/Nasdaq TRF''). WorkX's infrastructure is designed to be more user-friendly than the current Workstation. For example, WorkX trade scan provides holistic search capabilities for all trade input fields, across one date or date ranges for successful and rejected trades with up to 10,000 results generated in the front end and 50,000 exportable results. Currently, Workstation offers multiple scan types with limited search criteria and generates up to 2,000 results per scan. Additionally, WorkX revamps the user interface with a more modern design, upgraded data visualization and improved user experience. More specifically, WorkX improves trade entry by limiting manual customer entries, which eliminates data entry errors and replaces manual entries with automated processing. However, unlike Workstation, which currently provides searchable access to a member's trades that are older than six months dating back to 2009, WorkX will provide query access to a member's trades that are older than one year and dating back to no more than five years. The Exchange reduced the length of its historical data to improve WorkX system processing while maintaining compliance with record-keeping rules for accessible transaction data pursuant to the Act.[8] Other than reducing the length of historical data, the new platform will not have any significant effect on the user's usage of WorkX relative to Workstation.

InterACT, a surveillance tool that provides summaries of a subscribing member's trade activity for the FINRA/Nasdaq TRF, has been re-platformed and enhanced to become Nasdaq Real-Time Stats, which includes enriched data visualization and drill through capabilities to scan trade activity details. Similar to InterACT, which is an add-on service available on Workstation, Real-Time Stats is an add-on service that is available on WorkX. Currently, the InterACT add-on service is utilized by members who are responsible for the accuracy and timeliness of trade reporting and compliance with FINRA rules. Because Real-Time Stats is intended for FINRA trade reporting compliance, this enhanced surveillance tool does not include trade-through summary counts.[9] However, the Exchange will continue to provide trade-through summaries through its Nasdaq Regulation Reconnaissance Service (''Reg Recon''), which provides participating subscribers with real-time surveillance alerts and market data to assist with their Regulation National Market System (''NMS'') compliance.[10] Approximately 94% of firms with InterACT either also subscribe to Reg Recon or are not impacted by the elimination of trade-through summaries.

Additionally, Post-Trade Risk Management, an add-on service to Workstation [sic], will be used by clearing firms in a similar fashion as Risk Management—as an add-on service to WorkX to monitor and control correspondent trading access on the Nasdaq Exchange and the FINRA/Nasdaq TRF. The re-platformed product will not take away from user functionality and will improve the user's experience by allowing the user to create more customizations to manage risk exposure.

The Exchange is proposing to amend Equity 7, Section 115 to add WorkX to the services related to the FINRA/Nasdaq TRF. Currently, the Exchange assesses a fee of $525 per logon per month for the Workstation and $225 per month for the ACT Trade History service, which provides searchable access to a member's trades that are older than six months dating back to 2009. However, WorkX will provide query access to a member's trades older than one year and dating back to no more than five years. The Exchange reduced the length of the searchable historical data to improve WorkX system processing while maintaining compliance with record-keeping rules for accessible transaction data pursuant to the Act. Nasdaq is proposing the same pricing structure for WorkX as it currently has for Workstation.[11]

The Exchange is also proposing to adopt Equity 7, Sections 116–A and 149–A to incorporate Post-Trade Risk Management and Real-Time Stats, respectively, into the Exchange's pricing schedule. Clearing brokers using Post-Trade Risk Management will be assessed a charge of $0.030 per side per trade that is monitored by Post-Trade Risk Management and a charge of $17.25 per month per correspondent executing broker monitored by Post-Trade Risk Management, up to a maximum charge of $7,500 per month per correspondent executing broker. Clearing brokers with less than 17,000 trades per month per correspondent executing broker and that fall below 50 total correspondents monitored during the month are assessed a monthly fee of $500 per correspondent executing broker monitored in lieu of the $0.030 per side per trade charge. These fees are the same as the fees currently assessed for Risk Management. Currently, InterACT is available for a subscription fee of $400 per month, per user, with a maximum fee of $2,400 per month, per member firm. Nasdaq Real-Time Stats, which will not include summaries of the total number of Regulation NMS trade-throughs, will be assessed the same fees as InterACT. Other than reducing the length of historical data, the new platform will not take away from user functionality.

As Nasdaq rolls out these enhanced products,[12] users will have the option of using both the current products and the re-platformed products for the first month of accessing the re-platformed products. Fees for the re-platformed products will be waived for the first month of usage. After the first month of service on each of the re-platformed products, a member firm will be expected to fully migrate to the new product and will be charged for any fees incurred for using the new products thereafter. Firms will have at least one year before the existing products are retired. Once all current participants have migrated to the new products, the Exchange will submit a future filing to retire the services and remove the Workstation, InterACT and Risk Management products from its fee schedule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers,

[8] *See* 17 CFR 240.17a-1(b) (requiring every national securities exchange, national securities association, registered clearing agency and the Municipal Securities Rulemaking Board to keep and preserve at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it in the course of its business as such and in the conduct of its self-regulatory activity, for a period of not less than five years).

[9] InterACT, unlike Real-Time Stats, currently provides Regulation NMS trade-through summaries.

[10] *See* Equity 7, Section 141 (providing for Nasdaq Regulation Reconnaissance Service and setting forth the subscription fee).

[11] Similar to the Workstation, WorkX customers will be subject to query charges pursuant to FINRA Rule 7620A (Other Fees (Not Applicable to Retail Participants)).

[12] WorkX and Real-Time Stats launched on April 12, 2021 and Post-Trade Risk Management will launch no later than Q3 2021. Nasdaq will publish an Equity Trade Alert at least 10 days prior to launching Post-Trade Risk Management.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

issuers, brokers, or dealers. The proposal is also designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Additionally, the proposal is consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

In particular, the Exchange believes that the proposal to rename, enhance, and in some instances, alter the scope of the current products, through the new re-platformed products and charge fees to users of these new products is reasonable and not unfairly discriminatory because the fees will remain the same as the current Workstation, InterACT and Risk Management products as users migrate to using the re-platformed products. For the same reason, the Exchange believes that the proposed changes remove impediments to and perfect the mechanism of a free and open market and a national market system, constitute an equitable allocation of fees, and protect investors and the public interest because under each individually proposed rule, a member firm who would migrate to the new products will receive enhanced services that will improve the user's experience using the products, but will be charged the same fee amount as the firm currently pays for the respective current products. Although the Exchange has changed the time period for query access to members' trades through WorkX and has removed summaries for the total number of Regulation NMS trade-throughs on Real-Time Stats, the Exchange believes that the proposed changes are both equitably allocated, reasonable and protects investors and the public interest because WorkX provides the enhanced functionalities to FINRA/Nasdaq TRF Participants for trade reporting while maintaining compliance with record-keeping rules for accessible transaction data pursuant to the Act,[15] and the change to Real-Time Stats does not take away from the user's ability to monitor and maintain compliance with FINRA rules. Moreover, these changes are balanced by the enhancements that users will receive from the re-platformed WorkX and Real-Time Stats products.

The Exchange believes that the proposal is not unfairly discriminatory. All member firms will be notified about the product availability, have access to the re-platformed products and will be required to fully migrate once the Exchange discontinues the current products. If a firm is not satisfied with product differences, the firm will have at least a year before the existing product is retired to find an alternate service offered by a third party or allow time for Nasdaq to enhance the product. Moreover, the fees for the re-platformed products will apply to all member firms in the same manner as the current products.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposals will place any category of Exchange participant at a competitive disadvantage. To the contrary, the proposed changes will provide opportunities for members to receive enhanced features of their current Workstation, InterACT and Risk Management products. Moreover, these enhanced products, which are available to any participant, will provide a more user-friendly and efficient product experience for the same fees as the current products. Although Real-Time Stats does not provide the total number of Regulation NMS trade-throughs, this will not place any category of Exchange participants at a competitive disadvantage because historically, participants have utilized this surveillance tool to maintain compliance with FINRA trading rules. Real-Time Stats offers an enhancement of the FINRA surveillance tool. Moreover, participants who want to surveil for SEC rules may obtain the Reg Recon surveillance tool, which includes summaries of the total number of Regulation NMS trade-throughs. Additionally, the Exchange is reducing the length of its historical data to improve WorkX system processing while maintaining compliance with record-keeping rules pursuant to the Act.[16] Although WorkX does not [sic] provide query access to a member's trades older than one year and dating back to no more than five years, this change will not take away from user functionality.

Intermarket Competition

The Exchange believes that its proposed modifications to its fee schedule will not impose any burden on competition because the launch of the Exchange's enhanced connectivity, surveillance and risk management services are reflective of the need for the Exchange to ensure that it provides the best products and the benefit member firms receive from these enhancements. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing providers of third-party services if they deem the re-platformed products and services to be insufficient, or products available by other vendors to be more favorable. The proposed fees for the re-platformed products are reflective of this competition. As discussed above, the Exchange has proposed the fees to be the same as the current products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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[17] and Rule 19b–4(f)(6) thereunder.[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

[15] *See* 17 CFR 240.17a–1(b).

[16] *See supra* n. 8.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 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.

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–025 and should be submitted on or before May 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–09646 Filed 5–6–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91740; File No. SR–ICEEU–2021–011]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the ICE Clear Europe Delivery Procedures

May 3, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 28, 2021, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, such that the proposed rule was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed amendments is for ICE Clear Europe to amend its Delivery Procedures (the ''Delivery Procedures'') in connection with the addition of delivery terms relating to the Ice Deliverable UK Emissions Contracts.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe is proposing to amend its Delivery Procedures to add a new Part A1 regarding delivery procedures relating to a new ICE Deliverable UK Emissions Futures Contracts (''ICE Deliverable UK Emissions Contracts''), which include ICE Futures UKA Auction Contracts, ICE Futures UKA Futures Contracts and ICE Futures UKA Daily Contracts, that would be traded on ICE Futures Europe and cleared by ICE Clear Europe.

Proposed Part A1 would set out the delivery specifications and procedures for deliveries under the ICE Deliverable UK Emissions Contracts.

Proposed Part A1 would apply to ICE Deliverable UK Emissions Contracts which go to physical delivery on the expiry date and provides that deliveries under ICE Deliverable UK Emissions Contracts are effected upon (i) in the case of Seller effecting delivery, the completion of the transfer of the relevant UK Carbon Emissions Allowances, or ''UKAs'', from the relevant Nominating Holding Account of the Seller to the relevant Nominating Holding Account of the Clearing House, and (ii) in the case of the Buyer taking delivery, the completion of the transfer of the relevant UKAs from the Nominating Holding Account of the Clearing House to the relevant Nominating Holding Account of the Buyer. Such delivery takes place during the Delivery Period for the relevant Emissions Contracts in accordance with the ICE Futures Europe Rules. UKAs to be delivered must conform to the specifications in ICE Futures Europe Rules and the registry through which delivery may be made.

Proposed Part A1 would address certain the responsibilities of the Clearing House and relevant parties for delivery under the ICE Deliverable UK Emissions Contracts. Routine delivery of ICE UKA Auction Contracts would be based on submission of delivery intentions via the Clearing House ECS system.

Proposed Part A1 would further specify the pricing for delivery under

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[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(a).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] Capitalized terms used but not defined herein have the meaning specified in the ICE Clear Europe Clearing Rules (the ''Rules'').

the ICE Deliverable UK Emissions Contracts and the method for calculation of invoices. The amendments would include delivery timetables, which would distinguish between ICE UKA Futures Contracts, the ICE UKA Daily Futures Contracts and the ICE UKA Auction Contracts. The timetables would each include a detailed timeframe for submission of Registry Account Details, submission of delivery intentions, submission of Transfer Requests to the relevant registry, payment and release of delivery Margin (if relevant), payment and other matters. Delivery timetables would also be set out for late and failed deliveries.

Proposed Part A1 would also detail limitation of liability for the Clearing House. The Clearing House would not be liable as a result of the performance or non-performance of any Auction Seller, Auction Monitor, Administrator, GG ETS Regulator, Governmental Authority, Registry or UK Transaction Log, the validity of any UKA for purposes of meeting the requirements of the Scheme, any act or omission of any operator the Registry or UK Transaction Log or Authorised Representative of any other party, among other matters.

In addition, Proposed Part A1 would address the posting of EFPs and EFSs in respect of the ICE UKA Futures Contracts. Finally, Proposed Part A1 would also address an alternative delivery procedure in the event of a transfer request failure relating to ICE Deliverable UK Emissions Contracts other than the ICE UKA Auction Contract, pursuant to which a Clearing Member may seek agreement of the Clearing House to make or take delivery beyond the point of failure on terms other than those required under ICE Futures Europe Rules.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act [6] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The proposed amendments are designed to facilitate the clearing of a new physically settled UK emissions contracts that are being launched for trading by the ICE Futures Europe exchange. The amendments would set out the obligations and roles of Clearing Members and the Clearing House. ICE Clear Europe believes that its financial resources, risk management, systems and operational arrangements are sufficient to support clearing of such contract (and to address physical delivery under such contract) and to manage the risks associated with such contract. As a result, in ICE Clear Europe's view, the amendments would be consistent with the prompt and accurate clearance and settlement of the Contract as set out in the proposed Delivery Procedures amendments, and the protection of investors and the public interest consistent with the requirements of Section 17A(b)(3)(F) of the Act.[7] (In ICE Clear Europe's view, the amendments would not affect the safeguarding of funds or securities in the custody or control of the clearing agency or for which it is responsible, within the meaning of Section 17A(b)(3)(F).[8])

In addition, Rule 17Ad–22(e)(10) [9] requires that each covered clearing agency establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor and manage the risks associated with such physical deliveries. As discussed above, the amendments to the Delivery Procedures relating to the delivery and settlement under the ICE Deliverable UK Emissions Contracts and ICE Futures Europe exchange contract terms would set out the obligations and roles of Clearing Members and the Clearing House. The amendments would also adopt relevant procedures for such deliveries, which would facilitate identifying, monitoring and managing risks associated with delivery.

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The changes are being proposed in order to update the Delivery Procedures in connection with the listing of the ICE Deliverable UK Emissions Contracts on the ICE Futures Europe market. ICE Clear Europe believes that such contracts would provide opportunities for interested market participants to engage in trading activity in the UK emissions market. ICE Clear Europe does not believe the amendments would adversely affect competition among Clearing Members, materially affect the cost of clearing, adversely affect access to clearing in Contracts for Clearing Members or their customers, or otherwise adversely affect competition in clearing services. Accordingly, ICE Clear Europe does not believe that the amendments would impose any impact or burden on competition that is not appropriate in furtherance of the purpose of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–ICEEU–2021–011 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–ICEEU–2021–011. This file number should be included on the

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(10).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

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 such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.*

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–ICEEU–2021–011 and should be submitted on or before May 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–09643 Filed 5–6–21; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been determined to be subject to specific prohibitions based on OFAC's determination that one or more applicable legal criteria were satisfied.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action[s]

On April 15, 2021, OFAC determined that the following persons shall be subject to the prohibitions of Directive 1 under the relevant sanctions authority listed below as of June 14, 2021.

Entities

1. CENTRAL BANK OF THE RUSSIAN FEDERATION.

Pursuant to sections 1(a)(iv), 1(d), and 8 of Executive Order 14024 of April 15, 2021, ''Blocking Property with Respect to Specified Harmful Foreign Activities of the Government of the Russian Federation,'' 86 FR 20249, (''E.O. 14024'') the entity is determined to be a political subdivision, agency, or instrumentality of the Government of the Russian Federation and shall be subject to the prohibitions of Directive 1 under E.O. 14024.

2. MINISTRY OF FINANCE OF THE RUSSIAN FEDERATION.

Pursuant to sections 1(a)(iv), 1(d), and 8 of E.O. 14024, the entity is determined to be a political subdivision, agency, or instrumentality of the Government of the Russian Federation and shall be subject to the prohibitions of Directive 1 under E.O. 14024.

3. NATIONAL WEALTH FUND OF THE RUSSIAN FEDERATION.

Pursuant to sections 1(a)(iv), 1(d), and 8 of E.O. 14024, the entity is determined to be a political subdivision, agency, or instrumentality of the Government of the Russian Federation and shall be subject to the prohibitions of Directive 1 under E.O. 14024.

Dated: April 15, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–09647 Filed 5–6–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website. (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On August 28, 2003, the President issued Executive Order 13315 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.,* the National Emergencies Act, 50 U.S.C. 1601 *et seq.,* section 5 of the United Nations Participation Act, as amended, 22 U.S.C. 287c, section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 1483 of May 22, 2003. In the Order, the President expanded the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. The Order blocks the property and interests in property

of, *inter alia,* persons listed on the Annex to the Order.

On July 30, 2004, the President issued Executive Order 13350, which, inter alia, replaced the Annex to Executive Order 13315 with a new Annex that included the names of individuals and entities, including individuals and entities that had previously been designated under Executive Order 12722 and related authorities.

On April 30, 2021, OFAC determined that the following individual should be removed from the SDN List and that the property and interests in property subject to U.S. jurisdiction of the following person are unblocked.

Individual

1. AL–HASSAN, Anas Malik Dohan (a.k.a. ALHASSAN, Anas; a.k.a. DOHAN, Anas; a.k.a. DOHAN, Anas Malik; a.k.a. MALIK, Anas). Baghdad, Iraq (individual) [IRAQ2]

Dated: April 30, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–09648 Filed 5–6–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on Form 1099–R

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. The IRS is soliciting comments concerning Form 1099–R, Distributions From Pensions, Annuities, Retirement or Profit-sharing Plans, IRAs, Insurance Contracts, etc.

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. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Distributions From Pensions, Annuities, Retirement or Profit-sharing Plans, IRAs, Insurance Contracts, etc.

OMB Number: 1545–0119.

Form Number: 1099–R.

Abstract: Form 1099–R is used to report distributions from pensions, annuities, profit-sharing or retirement plans, IRAs, and the surrender of insurance contracts. This information is used by the IRS to verify that income has been properly reported by the recipient.

Current Actions: There are changes to the existing collection: (1) The existing FATCA and Date of payment boxes were given line numbers, and (2) the age for IRA required minimum distributions was changed to age 72 beginning in 2020 per the SECURE Act.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Responses: 105,974,100.

Estimated Time per Respondent: 26 minutes.

Estimated Total Annual Burden Hours: 46,628,604.

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 22, 2021.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2021–09680 Filed 5–6–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on Form 5498, IRA Contribution Information

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. The IRS is soliciting comments concerning Form 5498, IRA Contribution Information.

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. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or

through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: IRA Contribution Information.

OMB Number: 1545–0747.

Form Number: 5498.

Abstract: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement (IRA). The information on the form will be used by IRS to verify compliance with the reporting rules under regulation section 1.408–5 and to verify that the participant in the IRA has made the contribution that supports the deduction taken.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses: 118,858,000.

Estimated Time per Respondent: 24 minutes.

Estimated Total Annual Burden Hours: 48,731,780.

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 30, 2021.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2021–09681 Filed 5–6–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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, Miscellaneous Sections Affected by the Taxpayer Bill of Rights 2 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

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. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Miscellaneous Sections Affected by the Taxpayer Bill of Rights 2 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

OMB Number: 1545–1356.

Regulation Project Number: TD 8725.

Abstract: Under Internal Revenue Code Section 7430, a prevailing party may recover the reasonable administrative or litigation costs incurred in an administrative or civil proceeding that relates to the determination, collection, or refund of any tax, interest, or penalty. Treasury Regulation Section 301.7430–2(c) provides that the IRS will not award administrative costs under section 7430 unless the taxpayer files a written request in accordance with the requirements of the regulation.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations, not-for-profit institutions, farms, and the Federal government.

Estimated Number of Respondents: 38.

Estimated Time per Respondent: 2 hours, 16 minutes.

Estimated Total Annual Burden Hours: 86.

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 15, 2021.

Chakinna B. Clemons,

Supervisory Tax Analyst.

[FR Doc. 2021–09682 Filed 5–6–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before June 7, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Control Number: 1505–NEW.

Type of Review: New collection.

Description: A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.performance.gov/cx/a11-280.pdf.*

As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback. These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The Department of the Treasury will only submit collections if they meet the following criteria.

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used for general service improvement and program management purposes;
- Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov*. Summaries of customer research and user testing activities may be included in public-facing customer journey maps or summaries.
- Additional release of data must be done coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers and stakeholders, and OMB as it monitors Agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: Approximately five types of customer experience activities such as feedback surveys, focus groups, user testing, and interviews.

Estimated Number of Respondents: 2,001,550.

Average Number of Responses per Activity: 1 response per respondent per activity.

Estimated Number of Responses: 2,001,550.

Estimated Time per Response: 2 minutes–60 minutes, dependent upon activity.

Estimated Total Annual Burden Hours: 101,125 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget 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 technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: May 3, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–09641 Filed 5–6–21; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: This is an 18-month re-establishment computer matching agreement (CMA) with the Defense Manpower Data Center (DMDC), Department of Defense (DoD) and the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA), regarding Veterans who are in receipt of drill pay and also in receipt of compensation or pension benefits. The purpose of this agreement is to verify eligibility for DoD/USCG members of the Reserve forces who receive VA disability compensation or pension to receive, in lieu and upon election, military pay and allowances when performing reserve duty. Veterans who perform reserve duty must choose the monetary benefit they prefer and waive the other. VA will use the DoD reserve military pay data in the VA-DoD Identity Repository (VADIR) to match against VA recipients of VA disability compensation or pension. DMDC sends reserve military pay data to VADIR monthly; the data provided by DMDC include all data elements required for the match. VA will use this information to make, where appropriate, necessary VA payment adjustments.

DATES: Comments on this matching program must be received no later than June 7, 2021. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to 2021 CMA 89 DoD Drill Reserve Pay. Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Tatia McBride (VBA) (202) 632–8927.

SUPPLEMENTARY INFORMATION: This matching program between VA, VBA and DMDC, DoD identifies beneficiaries who are in receipt of certain VA benefit payments and who also have performed military drill pay. VBA uses the DoD data provided in the match to adjust their benefits, if needed. This agreement continues an arrangement for a periodic computer-matching program between VBA as the matching recipient agency and DoD as the matching source agency. This agreement sets forth the responsibilities of VBA and DoD with respect to information disclosed pursuant to this agreement and takes into account both agencies' responsibilities under the Privacy Act of 1974, as amended (5 U.S.C. 552a), Office of Management and Budget (OMB) Guidelines pertaining to computer matching (54 FR 25818, June 19, 1989), and OMB Circular No. A–108 (81 FR 94424 dated December 23, 2016.

Participating Agencies: The United States Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) as the matching recipient agency and the United States Department of Defense (DoD), Defense Manpower Data Center (DMDC) as the matching source agency.

Authority for Conducting the Matching Program: 38 U.S.C. 5304(c), Prohibition Against Duplication of Benefits, provides that VA disability compensation or pension based upon a person's previous military service shall not be paid to that person for any period for which such person receives active service pay. 10 U.S.C. 12316, Payment of Certain Reserves While on Duty, further provides that a Reservist who is entitled to disability payments due to his or her earlier military service and who performs duty for which he or she is entitled to DoD/USCG compensation may elect to receive for that duty either the disability payments, or if he or she waives such payments, the DoD/USCG compensation for the duty performed.

Purpose(s): The purpose of this agreement is to verify eligibility for DoD/USCG members of the Reserve forces who receive VA disability compensation or pension to receive, in lieu and upon election, military pay and allowances when performing reserve duty. Veterans who perform reserve duty must choose the monetary benefit they prefer and waive the other.

Categories of Individuals: The following categories of individuals will be covered by this system:

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. chapter 11.

2. Veterans who have applied for nonservice-connected disability under 38 U.S.C. chapter 15.

The category of the individuals covered by the VADIR database encompasses Veterans and service members. This would include current and separated service members.

Categories of Records: The record, or information contained in the record, may include identifying information such as name, Social Security Number (SSN), date of birth, training days and paid active duty days.

System(s) of Records: VA will use the system of records identified as ''Compensation, Pension, Education and Vocational Rehabilitation and Employment Records–VA (58 VA 21/22/28),'' published at 74 FR 29275 (June 19, 2009), last amended at 84 FR 4138 on February 14, 2019. VA will also use the system of records identified as ''Veterans Affairs/Department of Defense Identity Repository (VADIR)-VA (138VA005Q),'' published at 74 FR 37093 (July 27, 2009).

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Joseph S. Stenaka, Executive Director for Information Security Operations, Chief Privacy Officer and Chair of the VA Data Integrity Board approved this document on April 27, 2021 for publication.

Dated: May 4, 2021.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2021–09737 Filed 5–6–21; 8:45 am]

BILLING CODE P

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