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Presidential Documents

Title 3—

The President

Proclamation 10220 of June 1, 2021

Black Music Appreciation Month, 2021

By the President of the United States of America

A Proclamation

Throughout our history, there has been no richer influence on the American songbook than Black music and culture. From early spirituals born out of the unconscionable hardships of slavery; to the creation of folk and gospel; to the evolution of rhythm and blues and jazz; to the ascendance of rock and roll, rap, and hip-hop—Black music has shaped our society, entertained and inspired us, and helped write and tell the story of our Nation.

During Black Music Appreciation Month, we honor the innovative artists whose musical expressions move us, brighten our daily lives, and bring us together. Across the generations, Black music has pioneered the way we listen to music while preserving Black cultural traditions and sharing the unique experiences of the Black community. Black artists have dramatically influenced what we all hear and feel through music—joy and sadness, love and loss, pride and purpose.

Black music has always stood on its own—a beacon of resilience and resistance—while at the same time helping to shape countless other musical and cultural traditions. From the syncopated rhythms of jazz to the soulful expressions of R&B, Black music spans an extraordinarily broad spectrum of genres and styles. The distinct voices and instruments of Black artists have filled the halls of the Apollo Theater in New York City, Preservation Hall in New Orleans, the Fillmore in San Francisco, and other iconic venues throughout the United States and around the world, energizing audiences and inspiring millions. The music created and expressed by Black communities has paved the way for generations of musicians across all races, creeds, colors, religions, sexual orientations, and identities. The creativity and spirit of Black music is everywhere, and our Nation and the world are richer for it.

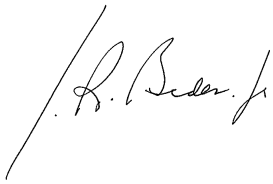
This month, we also honor the many important contributors to our Nation's musical heritage that are no longer with us. And although they have taken their final bows, their musical legacies and influence will live on in our hearts and souls, and inspire a new generation of artists and fans.

In appreciating the indelible contributions of Black Americans to the music landscape, we must also recognize the crisis of racial inequity that Black Americans have faced in America for centuries—a crisis that is often reflected and challenged in Black music. We must rededicate ourselves to rooting out systemic racism from every part of our society, and work together to advance racial justice and equity. In the music industry, that work includes identifying and eliminating barriers that Black creatives face in producing and maintaining ownership of their music and other creations. In this month of June, we celebrate the Black music that has shaped and enlivened our lives and our country, and recommit ourselves to advancing racial equity for artists—and for everyone.

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 June 2021 as Black Music Appreciation Month. I call upon public officials, educators, and all

the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of Black music.

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



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Presidential Documents

Proclamation 10221 of June 1, 2021

Great Outdoors Month, 2021

By the President of the United States of America

A Proclamation

America's great outdoors, diverse landscapes, and pristine waterways are a limitless source of pride, inspiration, and sustenance of both body and soul—and an essential part of our national identity. It is our shared responsibility as Americans to be good stewards of these irreplaceable treasures for our children and grandchildren, and for generations to come. During Great Outdoors Month, we celebrate our Nation's natural wonders, and rededicate ourselves to conserving nature's splendor for all Americans and safeguarding our environment against the existential threat of climate change and other challenges.

Our Nation is blessed by an abundance of incredible outdoor spaces that provide opportunities for exploration, recreation, and rejuvenation. From the Sierra Nevadas to the Ozark Trail to the Everglades—to local trails and parks in every part of the country—the outdoors inspire creativity, provide educational opportunities, and bring communities together. This past year, so many of us have developed an even greater appreciation for the powerful role that outdoor spaces play in our physical and mental well-being—providing outlets for activity, solace, and connection in the midst of a devastating pandemic.

Now more than ever, we must rise to meet the challenges of environmental degradation, climate change, and inequitable access to nature. The natural world provides critical resources that sustain all life on Earth—from the air we breathe and the water we drink to the food we eat. Ensuring that we maintain healthy ecosystems and a resilient planet is not just a matter of environmentalism. It is also critical to our health, our safety, the security of our families, and the strength of our economy.

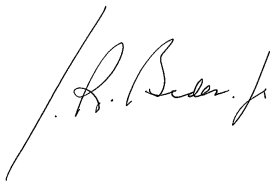
My Administration is committed to taking swift action to address the existential threat of climate change. I have proposed a major investment to put Americans to work building critical industries to produce and deploy clean technologies—reducing harmful emissions, and putting us on the path to a more sustainable and equitable future while creating millions of good-paying jobs. We are going to put Americans to work building a clean, resilient power grid; capping hundreds of thousands of abandoned oil and gas wells and coal mines to put a stop to methane leaks; constructing the next generation of electric vehicles; and developing new carbon capture and green hydrogen technologies on farms and in factories to make everything from our steel and cement to our agricultural sector cleaner and more sustainable. We will also speed up implementation of the Great American Outdoors Act, which invests in conservation projects that will benefit communities across the country—including Black and brown communities that have too often been excluded from our great outdoor spaces. My Administration has also outlined a new ''America the Beautiful'' initiative to bring the Federal Government together with State, Tribal, and local partners to conserve at least 30 percent of our lands and waters by 2030.

During Great Outdoors Month, I encourage all Americans to explore our Nation's beautiful outdoor spaces. As we enjoy the great outdoors—from

national parks to our own backyards—let us rededicate ourselves to conserving our Nation's natural spaces for our own well-being, and for the health, safety, prosperity, and fulfillment of generations to come.

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 June 2021 as Great Outdoors Month. I urge all Americans to explore the great outdoors, to experience our Nation's natural heritage, and to continue our Nation's tradition of preserving and conserving our lands for future generations.

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



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Presidential Documents

Proclamation 10222 of June 1, 2021

Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month, 2021

By the President of the United States of America

A Proclamation

The uprising at the Stonewall Inn in June, 1969, sparked a liberation movement—a call to action that continues to inspire us to live up to our Nation's promise of equality, liberty, and justice for all. Pride is a time to recall the trials the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) community has endured and to rejoice in the triumphs of trailblazing individuals who have bravely fought—and continue to fight—for full equality. Pride is both a jubilant communal celebration of visibility and a personal celebration of self-worth and dignity. This Pride Month, we recognize the valuable contributions of LGBTQ+ individuals across America, and we reaffirm our commitment to standing in solidarity with LGBTQ+ Americans in their ongoing struggle against discrimination and injustice.

The LGBTQ+ community in America has achieved remarkable progress since Stonewall. Historic Supreme Court rulings in recent years have struck down regressive laws, affirmed the right to marriage equality, and secured workplace protections for LGBTQ+ individuals in every State and Territory. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act broadened the definition of hate crimes to include crimes motivated by sexual orientation or gender identity. Members of the LGBTQ+ community now serve in nearly every level of public office—in city halls and State capitals, Governors' mansions and the halls of the Congress, and throughout my Administration. Nearly 14 percent of my 1,500 agency appointees identify as LGBTQ+, and I am particularly honored by the service of Transportation Secretary Pete Buttigieg, the first openly LGBTQ+ person to serve in the Cabinet, and Assistant Health Secretary Dr. Rachel Levine, the first openly transgender person to be confirmed by the Senate.

For all of our progress, there are many States in which LGBTQ+ individuals still lack protections for fundamental rights and dignity in hospitals, schools, public accommodations, and other spaces. Our Nation continues to witness a tragic spike in violence against transgender women of color. LGBTQ+ individuals—especially youth who defy sex or gender norms—face bullying and harassment in educational settings and are at a disproportionate risk of self-harm and death by suicide. Some States have chosen to actively target transgender youth through discriminatory bills that defy our Nation's values of inclusivity and freedom for all.

Our Nation also continues to face tragic levels of violence against transgender people, especially transgender women of color. And we are still haunted by tragedies such as the Pulse Nightclub shooting in Orlando. Ending violence and discrimination against the LGBTQ+ community demands our continued focus and diligence. As President, I am committed to defending the rights of all LGBTQ+ individuals.

My Administration is taking historic actions to finally deliver full equality for LGBTQ+ families. On my first day in office, I signed an Executive Order charging Federal agencies to fully enforce all Federal laws that prohibit discrimination on the basis of gender identity or sexual orientation. As a result, the Federal Government has taken steps to prevent discrimination

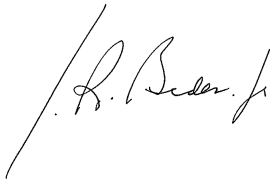
against LGBTQ+ people in employment, health care, housing, lending, and education. I also signed an Executive Order affirming all qualified Americans will be able to serve in the Armed Forces of the United States—including patriotic transgender Americans who can once again proudly and openly serve their Nation in uniform—and a National Security Memorandum that commits to supporting LGBTQ+ Federal employees serving overseas. My Administration is also working to promote and protect LGBTQ+ human rights abroad. LGBTQ+ rights are human rights, which is why my Administration has reaffirmed America's commitment to supporting those on the front lines of the equality and democracy movements around the world, often at great risk. We see you, we support you, and we are inspired by your courage to accept nothing less than full equality.

While I am proud of the progress my Administration has made in advancing protections for the LGBTQ+ community, I will not rest until full equality for LGBTQ+ Americans is finally achieved and codified into law. That is why I continue to call on the Congress to pass the Equality Act, which will ensure civil rights protections for LGBTQ+ people and families across our country. And that is why we must recognize emerging challenges, like the fact that many LGBTQ+ seniors, who faced discrimination and oppression throughout their lives, are isolated and need support and elder care.

During LGBTQ+ Pride Month, we recognize the resilience and determination of the many individuals who are fighting to live freely and authentically. In doing so, they are opening hearts and minds, and laying the foundation for a more just and equitable America. This Pride Month, we affirm our obligation to uphold the dignity of all people, and dedicate ourselves to protecting the most vulnerable among 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 June 2021 as Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month. I call upon the people of the United States to recognize the achievements of the LGBTQ+ community, to celebrate the great diversity of the American people, and to wave their flags of pride high.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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. 2021–11973

Filed 6–4–21; 8:45 am]

Billing code 3295–F1–P

Presidential Documents

Proclamation 10223 of June 1, 2021

National Caribbean-American Heritage Month, 2021

By the President of the United States of America

A Proclamation

America's diversity is and always has been the defining strength of our Nation—in every generation, our society, spirit, and shared ambitions have been refreshed by wave after wave of immigrants seeking out their American dream. Throughout our history, Caribbean Americans have brought vibrant cultures, languages, traditions, and values that strengthen our country and add new chapters to our common story. In recognition of Caribbean Americans' countless gifts and contributions to our Nation, we celebrate National Caribbean-American Heritage Month.

Caribbean Americans have made our country more innovative and more prosperous; they have enriched our Nation's arts and culture, our public institutions, and our economy. I am honored to celebrate this National Caribbean-American Heritage Month alongside Caribbean-American barrier-breaking public servants in my Administration—including Vice President Kamala Harris, Secretary of Homeland Security Alejandro Mayorkas, Secretary of Education Miguel Cardona, and Domestic Policy Advisor Susan Rice—all of whom continue to be sources of pride and inspiration for Caribbean Americans across the country.

Caribbean-American intellects and artists like James Weldon Johnson, the poet who gave us the anthem, *Lift Every Voice and Sing*; celebrated neo-expressionist painter Jean-Michel Basquiat; and John B. Russwurm, the first Caribbean-American editor of a U.S. newspaper, have left a lasting impact on our country. Caribbean-American jurists like Constance Baker Motley, the first Black woman appointed to the Federal bench, and the Nation's first Latina Supreme Court Justice, Sonia Sotomayor, have made innumerable contributions to the American justice system. Shirley Chisholm, the daughter of Caribbean immigrants, blazed new trails as our Nation's first Black Congresswoman—and the first Black woman to launch a major-party bid for the Presidency. Public servants like Antonia Novello, our Nation's first female Surgeon General, and Colin Powell, our first Black Secretary of State, have followed in her footsteps, charting new paths of their own in service to the American people.

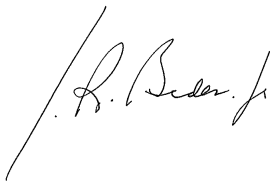
Despite the powerful legacy of achievement of Caribbean Americans, many members of the Caribbean-American community continue to face systemic barriers to equity, opportunity, and justice. Systemic racism has uniquely impacted Black and Latino immigrant communities, including Caribbean Americans, leading to disparities in health care, education, housing, criminal justice, and economic opportunity. My Administration is committed to addressing those entrenched disparities—and to bringing our Nation closer to its promise that all people are created equal and deserve to be treated equally throughout their lives. That is why I have launched a whole-of-government approach to advancing racial justice and equity.

During National Caribbean-American Heritage Month, we celebrate the legacy and essential contributions of Caribbean Americans who have added so much to our American fabric.

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 June 2021 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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. 2021–11976
Filed 6–4–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Proclamation 10224 of June 1, 2021

National Homeownership Month, 2021

By the President of the United States of America

A Proclamation

For millions of Americans, homeownership is the cornerstone of a life with security, with dignity, and with hope. A home is more than four walls and a roof; it is a place where we can celebrate triumphs and weather the trials of life. A place where we can watch our families grow and prosper. A place that helps us build wealth we can pass down to our children and our grandchildren.

The aspiration to own a home is connected deeply to the American dream. It has driven generations of Americans, in search of a place to call one's own.

Today, for people across the United States, the desire to own a home burns as brightly as it ever has. Yet the stark reality is that, for too many, the dream of homeownership is becoming more difficult to realize and sustain. This is especially true in the wake of the economic devastation inflicted by the COVID–19 pandemic.

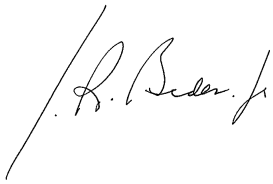
We also know that people of color continue to face discrimination in our housing market—when trying to secure mortgages, to have their homes appraised, and to live in neighborhoods where their families can thrive. In recent years, the homeownership gap between Black and white families reached its widest point since 1968, when banks could still legally discriminate against borrowers based on the color of their skin.

This is economically and morally wrong, and it is why, as President, I have made it a central priority to expand stability and opportunity within our housing market. On my first day in office, I took executive action to extend foreclosure moratoriums for nearly 11 million households with mortgages guaranteed by the Federal Government. My Administration introduced and passed the American Rescue Plan, which will deliver nearly $10 billion in relief for homeowners who have fallen behind on their mortgage payments during the pandemic. And to create greater opportunities for homeownership moving forward, we have proposed the American Jobs Plan—which can spur the construction and rehabilitation of more than 500,000 homes for buyers of more modest means.

The Department of Housing and Urban Development will continue to advance affordable and sustainable homeownership throughout our Nation. This will require that we help more hardworking Americans purchase their first homes, increase access to credit and mortgage insurance for borrowers of color, and fully enforce the 1968 Fair Housing Act—to root out systemic discrimination from our housing market and break down the unjust barriers that prevent too many Americans from buying a home.

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 June 2021 as National Homeownership Month. I call upon the people of this Nation to recognize the enduring value of homeownership and to recommit ourselves to helping more Americans realize that dream.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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. 2021–11977
Filed 6–4–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Proclamation 10225 of June 1, 2021

National Immigrant Heritage Month, 2021

By the President of the United States of America

A Proclamation

America is, always has been, and always will be a Nation of immigrants. It was the premise of our founding; it is reflected in our Constitution; it is etched upon the Statue of Liberty—that ''from her beacon-hand glows world-wide welcome.'' During National Immigrant Heritage Month, we reaffirm and draw strength from that enduring identity and celebrate the history and achievements of immigrant communities across our Nation.

Across each generation throughout our history, wave after wave of immigrants have enriched our Nation and made us better, stronger, more innovative, and more prosperous. The American story includes the story of courageous families who ventured here—be it centuries ago, or just this year—from every part of the world to seek new possibilities and help to forge our Nation. In every era, immigrant innovators, workers, entrepreneurs, and community leaders have fortified and defended us, fed us and cared for us, advanced the limits of our thinking, and broken new ground.

After an especially difficult period marked by both the COVID–19 pandemic and the all-too-frequent demonization of immigrants, it is vital that our Nation reflect on the leadership, resilience, and courage shown by generations of immigrant communities, and recommit ourselves to our values as a welcoming Nation. We recognize all of the workers, many of whom are immigrants, who have contributed to the food security, health, and safety of all Americans during this challenging year—and every year. And we honor the sacrifices made by immigrants who serve on the front lines of the pandemic as health care providers, first responders, teachers, grocers, farm workers, and other essential workers. It was these same immigrant families and communities of color who were disproportionately struck by the virus. In honor of those we've lost, let us dedicate ourselves as a Nation to protecting one another and doing our part to put an end to this pandemic for good.

The promise of our Nation is that every American has a fair shot and an equal chance to get ahead, yet systemic racism and persistent barriers have denied this promise to far too many immigrants throughout our history and today. I have placed equity at the center of my Administration's agenda. From day one, I promised that my Administration would reflect the full diversity of our Nation—and today, nearly one-third of my Administration's 1,500 political appointees are naturalized U.S. citizens or children of immigrants.

I have directed Federal agencies to rebuild trust in our immigration system that has been lost, to reach out to underserved communities unable to access the opportunities our Nation offers them, to offer again a welcoming humanitarian hand to the persecuted and oppressed, and to reduce barriers to achieving citizenship and equality.

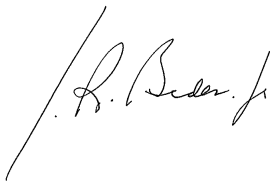
I am honored to serve alongside Vice President Harris, the first daughter of immigrants to hold the Office of the Vice President, and to work with so many dedicated public servants who are immigrants—and who carry with them every day the legacies of their families' sacrifice and resilience.

Despite the progress our Nation has made since our founding, there is more work to be done to extend the full promise of America to all our people. Nearly 11 million people in this country are undocumented—and it is time that the Congress acts by passing the U.S. Citizenship Act of 2021, the immigration reform plan that I introduced on day one of my Presidency. My plan would provide a pathway to lawful permanent residency and citizenship for these undocumented immigrants, including Dreamers, individuals with Temporary Protected Status, farm workers, and other essential workers who contribute to our Nation every day.

Vice President Harris and I affirm that immigrants historically have made and continue to make our Nation stronger. I urge my fellow Americans to join us this month in celebrating immigrant heritage, stories, and cultures.

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 June 2021 as National Immigrant Heritage Month. I call upon the people of the United States to learn more about the history of immigrant communities throughout the generations following our Nation's founding, and to observe this month with appropriate programming and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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. 2021–11978
Filed 6–4–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Proclamation 10226 of June 1, 2021

National Ocean Month, 2021

By the President of the United States of America

A Proclamation

The world's ocean basins are critical to the success of our Nation and, indeed, to life on Earth. The ocean powers our economy, provides food for billions of people, supplies 50 percent of the world's oxygen, offers recreational opportunities for us to enjoy, and regulates weather patterns and our global climate system. During National Ocean Month, we celebrate our stewardship of the ocean and coasts, and reaffirm our commitment to protecting and sustaining them for current and future generations.

My Administration is dedicated to improving our Nation's public health by supporting resilient ocean habitats, wildlife, and resources in which all Americans rely on. Through our ''America the Beautiful'' initiative, we are working with State, Tribal, and local partners to conserve at least 30 percent of United States lands and waters by 2030—so that our natural world can continue to supply the food, clean air, and clean water that every one of us depends on to survive. We are also committed to supporting safe, plentiful, and sustainable seafood harvesting for domestic consumption and export, and reducing public health risks such as harmful algal blooms that have proliferated as a result of climate change and the acidification of our waters.

The ocean has always been essential to our economy, and that will remain true as we build back better and develop the clean industries and good jobs of the future. My plan to dramatically expand offshore wind energy over the next 10 years will provide good-paying union jobs and a sustainable source of clean energy. Investing in resilient, reliable coastal infrastructure—including modern ports and waterways—that can withstand the impacts of rising seas and powerful storms will keep our economy competitive in the global marketplace while making our families safer. Conserving and restoring coastal wetlands and habitats will also strengthen our efforts to tackle climate change, improve the resilience of coastal communities, and help restore nursery areas that are important to our fisheries. Investing in our fishing communities and supporting local seafood supply options will also be critical to helping us build a climate-resilient, sustainable ocean economy.

Climate change is a global challenge that is integrally linked to the ocean. By protecting our ocean and coastal ecosystems and resources, we are also protecting the worldwide economies and people that depend on them. To address these challenges, we are building on our Nation's long legacy of ocean exploration and research to gain new insights into ocean ecosystems and biodiversity and ways the ocean can sequester and store carbon. Marine life, changing ocean conditions, and plastic and other pollution pay no attention to national boundaries. That is why we must focus on a worldwide approach to conservation and sustainability. In collaboration with our international partners, my Administration will continue America's global leadership in ocean science, stewardship, and conservation. Our engagement in international efforts, such as the United Nations Decade of Ocean Science

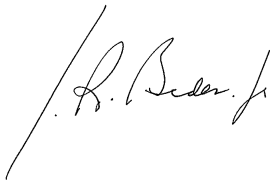
for Sustainable Development, reflects the priorities and values of my Administration to ensure that ocean science delivers greater benefits for the American people, the people of the world, and international ocean ecosystems.

My Administration is also committed to delivering climate justice, including ensuring equitable access to our ocean and coasts for all Americans—and working to ensure that Indigenous Americans, Black Americans, and other people of color are no longer forced to shoulder disproportionate climate and environmental burdens, as they historically have. My Administration will work hard to further break down the barriers many communities of color face by creating new opportunities to diversify ocean-related access and workforces. We will also equip educators with tools to teach our Nation's youth how to become a powerful generation of ocean stewards.

It is imperative that we take proper action now to ensure that the ocean continues to thrive. During National Ocean Month, we recognize the central role of a healthy ocean in sustaining all of our lives, and pledge to find innovative ways to conserve, protect, and restore our ocean.

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 June 2021 as National Ocean Month. I call upon Americans to take action to protect, conserve, and restore our ocean and coasts.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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. 2021–11979
Filed 6–4–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 14032 of June 3, 2021

Addressing the Threat From Securities Investments That Finance Certain Companies of the People's Republic of China

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, find that additional steps are necessary to address the national emergency declared in Executive Order 13959 of November 12, 2020 (Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies), including the threat posed by the military-industrial complex of the People's Republic of China (PRC) and its involvement in military, intelligence, and security research and development programs, and weapons and related equipment production under the PRC's Military-Civil Fusion strategy. In addition, I find that the use of Chinese surveillance technology outside the PRC and the development or use of Chinese surveillance technology to facilitate repression or serious human rights abuse constitute unusual and extraordinary threats, which have their source in whole or substantial part outside the United States, to the national security, foreign policy, and economy of the United States, and I hereby expand the scope of the national emergency declared in Executive Order 13959 to address those threats.

Accordingly, I hereby order as follows:

Section 1. Sections 1 through 5 of Executive Order 13959, as amended by Executive Order 13974 of January 13, 2021 (Amending Executive Order 13959—Addressing the Threat From Securities Investments That Finance Communist Chinese Military Companies), are hereby replaced and superseded in their entirety to read as follows:

''**Section 1**. (a) The following activities by a United States person are prohibited: the purchase or sale of any publicly traded securities, or any publicly traded securities that are derivative of such securities or are designed to provide investment exposure to such securities, of any person listed in the Annex to this order or of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense:

(i) to operate or have operated in the defense and related materiel sector or the surveillance technology sector of the economy of the PRC; or

(ii) to own or control, or to be owned or controlled by, directly or indirectly, a person who operates or has operated in any sector described in subsection (a)(i) of this section, or a person who is listed in the Annex to this order or who has otherwise been determined to be subject to the prohibitions in subsection (a) of this section.

(b) The prohibitions in subsection (a) of this section shall take effect:

(i) beginning at 12:01 a.m. eastern daylight time on August 2, 2021, with respect to any person listed in the Annex to this order; or

(ii) beginning at 12:01 a.m. eastern daylight time on the date that is 60 days after the date of the determination in subsection (a) of this section with respect to any person not listed in the Annex to this order.

(c) The purchase or sale of publicly traded securities described in subsection (a) of this section made solely to effect the divestment, in whole or in part, of such securities by a United States person is permitted prior to:

(i) 12:01 a.m. eastern daylight time on June 3, 2022, with respect to any person listed in the Annex to this order; or

(ii) 12:01 a.m. eastern daylight time on the date that is 365 days after the date of the determination in subsection (a) of this section with respect to any person not listed in the Annex to this order.

(d) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''person'' means an individual or entity;

(c) the term ''publicly traded securities'' includes any ''security,'' as defined in section 3(a)(10) of the Securities Exchange Act of 1934, Public Law 73–291 (as codified as amended at 15 U.S.C. 78c(a)(10)), denominated in any currency that trades on a securities exchange or through the method of trading that is commonly referred to as ''over-the-counter,'' in any jurisdiction; and

(d) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies (agencies) of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense, is hereby authorized to determine that circumstances no longer warrant the application of the prohibitions in section 1(a) of this order with respect to a person listed in the Annex to this order, and to take necessary action to give effect to that determination.''

Sec. 2. The Annex to Executive Order 13959 is replaced and superseded in its entirety by the Annex to this order.

Sec. 3. Section 6 of Executive Order 13959 is amended to replace ''**Sec. 6**.'' with ''**Sec. 7**.''

Sec. 4. Executive Order 13974 is hereby revoked in its entirety. The Secretary of the Treasury and the heads of agencies shall take all necessary steps to rescind any orders or prohibitions issued prior to the date of this order implementing or enforcing Executive Order 13974 or the versions of sections 1 through 5 of Executive Order 13959 replaced and superseded by section 1 of this order.

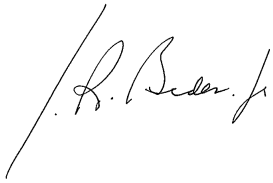
Sec. 5. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,

June 3, 2021.

Billing code 3295–F1–P

Annex

AERO ENGINE CORPORATION OF CHINA

AEROSPACE CH UAV CO., LTD

AEROSPACE COMMUNICATIONS HOLDINGS GROUP COMPANY LIMITED

AEROSUN CORPORATION

ANHUI GREATWALL MILITARY INDUSTRY COMPANY LIMITED

AVIATION INDUSTRY CORPORATION OF CHINA, LTD.

AVIC AVIATION HIGH-TECHNOLOGY COMPANY LIMITED

AVIC HEAVY MACHINERY COMPANY LIMITED

AVIC JONHON OPTRONIC TECHNOLOGY CO., LTD.

AVIC SHENYANG AIRCRAFT COMPANY LIMITED

AVIC XI'AN AIRCRAFT INDUSTRY GROUP COMPANY LTD.

CHANGSHA JINGJIA MICROELECTRONICS COMPANY LIMITED

CHINA ACADEMY OF LAUNCH VEHICLE TECHNOLOGY

CHINA AEROSPACE SCIENCE AND INDUSTRY CORPORATION LIMITED

CHINA AEROSPACE SCIENCE AND TECHNOLOGY CORPORATION

CHINA AEROSPACE TIMES ELECTRONICS CO., LTD

CHINA AVIONICS SYSTEMS COMPANY LIMITED

CHINA COMMUNICATIONS CONSTRUCTION COMPANY LIMITED

CHINA COMMUNICATIONS CONSTRUCTION GROUP (LIMITED)

CHINA ELECTRONICS CORPORATION

CHINA ELECTRONICS TECHNOLOGY GROUP CORPORATION

CHINA GENERAL NUCLEAR POWER CORPORATION

CHINA MARINE INFORMATION ELECTRONICS COMPANY LIMITED

CHINA MOBILE COMMUNICATIONS GROUP CO., LTD.

CHINA MOBILE LIMITED

CHINA NATIONAL NUCLEAR CORPORATION

CHINA NATIONAL OFFSHORE OIL CORPORATION

CHINA NORTH INDUSTRIES GROUP CORPORATION LIMITED

CHINA NUCLEAR ENGINEERING CORPORATION LIMITED

CHINA RAILWAY CONSTRUCTION CORPORATION LIMITED

CHINA SATELLITE COMMUNICATIONS CO., LTD.

CHINA SHIPBUILDING INDUSTRY COMPANY LIMITED

CHINA SHIPBUILDING INDUSTRY GROUP POWER COMPANY LIMITED

CHINA SOUTH INDUSTRIES GROUP CORPORATION

CHINA SPACESAT CO., LTD.

CHINA STATE SHIPBUILDING CORPORATION LIMITED

CHINA TELECOM CORPORATION LIMITED

CHINA TELECOMMUNICATIONS CORPORATION

CHINA UNICOM (HONG KONG) LIMITED

CHINA UNITED NETWORK COMMUNICATIONS GROUP CO., LTD.

CNOOC LIMITED

COSTAR GROUP CO., LTD.

CSSC OFFSHORE & MARINE ENGINEERING (GROUP) COMPANY LIMITED

FUJIAN TORCH ELECTRON TECHNOLOGY CO., LTD.

GUIZHOU SPACE APPLIANCE CO., LTD

HANGZHOU HIKVISION DIGITAL TECHNOLOGY CO., LTD.

HUAWEI INVESTMENT & HOLDING CO., LTD.

HUAWEI TECHNOLOGIES CO., LTD.

INNER MONGOLIA FIRST MACHINERY GROUP CO., LTD.

INSPUR GROUP CO., LTD.

JIANGXI HONGDU AVIATION INDUSTRY CO., LTD.

NANJING PANDA ELECTRONICS COMPANY LIMITED

NORTH NAVIGATION CONTROL TECHNOLOGY CO., LTD.

PANDA ELECTRONICS GROUP CO., LTD.

PROVEN GLORY CAPITAL LIMITED

PROVEN HONOUR CAPITAL LIMITED

SEMICONDUCTOR MANUFACTURING INTERNATIONAL CORPORATION

SHAANXI ZHONGTIAN ROCKET TECHNOLOGY COMPANY LIMITED

ZHONGHANG ELECTRONIC MEASURING INSTRUMENTS COMPANY LIMITED

[FR Doc. 2021–12019

Filed 6–4–21; 8:45 am]

Billing code 3295–F1–C

Rules and Regulations

Federal Register
Vol. 86, No. 107
Monday, June 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0016; Project Identifier 2019–SW–114–AD; Amendment 39–21567; AD 2021–11–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC225LP helicopters. This AD was prompted by reports of an oil leak from the main gearbox (MGB) during engine start up. This AD requires modifying and performing subsequent repetitive function testing of the MGB emergency lubrication (EMLUB) system as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2021.

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

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this 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. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0016.

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–2021–0016; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: 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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0232, dated November 22, 2016 (EASA AD 2016–0232), to correct an unsafe condition for Airbus Helicopters Model EC 225 LP helicopters. EASA later issued EASA AD 2016–0232R1, dated December 12, 2019 (EASA AD 2016–0232R1), to revise EASA AD 2016–0232.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC225LP helicopters. The NPRM published in the **Federal Register** on March 15, 2021 (86 FR 14281). The NPRM was prompted by reports of oil leaks during engine starting, originating from the MGB. The NPRM proposed to require modifying and repetitively functional testing the MGB EMLUB system, and if there is a discrepancy, accomplishing corrective action(s). Accomplishing any corrective action(s) does not constitute terminating action for the repetitive functional tests, as specified in an EASA AD.

The FAA is issuing this AD to address inadvertent opening of the P 2.4 valve of the MGB EMLUB system, which results from MGB pressurization by compressed air produced by the engine during starting in response to a signal from the EMLUB electronic control card. See EASA AD 2016–0232R1 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition and do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2016–0232R1 requires modifying the electrical control circuit of the MGB EMLUB system. After modifying, EASA AD 2016–0232R1 requires a repetitive functional test of the MGB EMLUB system, and if there is a discrepancy, accomplishing corrective action(s). Accomplishing any corrective action(s) does not constitute terminating action for the repetitive functional tests.

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.

Differences Between This AD and the EASA AD

Where EASA AD 2016–0232R1 refers to December 6, 2016 (the effective date of EASA AD 2016–0232), this AD requires using the effective date of this final rule. EASA AD 2016–0232R1 allows an additional interval margin of 225 flight hours (FH), while this AD does not. Where the service information referenced in EASA AD 2016–0232R1 requires contacting Airbus Helicopters for corrective action, this AD requires accomplishing the corrective action using a method approved by the

Manager, Strategic Policy Rotorcraft Section, FAA.

Costs of Compliance

The FAA estimates that this AD affects 24 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Modifying the electrical control circuit of the MGB EMLUB system takes about 22 work-hours and parts cost about $1,592 for an estimated cost of $3,462 per helicopter and $83,088 for the U.S. fleet.

Functional testing the EMLUB system takes about 12 work-hours for an estimated cost of $1,020 per helicopter and $24,480 for U.S. fleet, per testing cycle. If the electrical functional test results in a need to replace the lubrication printed circuit board, the replacement time takes about 2 work-hours and parts cost about $5,150 for an estimated cost of $5,320 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–11–05 Airbus Helicopters: Amendment 39–21567; Docket No. FAA–2021–0016; Project Identifier 2019–SW–114–AD.

(a) Effective Date

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

(b) Affected Airworthiness Directives

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC225LP helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6397, Main Rotor Drive System Wiring.

(e) Reason

This AD was prompted by reports of oil leaks during engine starting, originating from the main gearbox (MGB). The FAA is issuing this AD to address the inadvertent opening of the P 2.4 valve of the MGB emergency lubrication (EMLUB) system, which results from MGB pressurization by compressed air produced by the engine during starting in response to a signal from the EMLUB electronic control card. This condition could result in loss of the MGB lubrication system and a reduced ability of the crew to manage adverse operating conditions.

(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 AD 2016–0232R1, dated December 12, 2019 (EASA AD 2016–0232R1).

(h) Exceptions to EASA AD 2016–0232R1

(1) Where EASA AD 2016–0232R1 refers to December 6, 2016 (the effective date of European Aviation Safety Agency AD 2016–0232, dated November 22, 2016), this AD requires using the effective date of this AD.

(2) Where EASA AD 2016–0232R1 refers to flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (2) of EASA AD 2016–0232R1 allows an additional interval margin of 225 FH, this AD does not. This AD requires accomplishing the functional tests within 600 hours TIS, and thereafter at intervals not to exceed 600 hours TIS.

(4) Where the service information referenced in EASA AD 2016–0232R1 requires contacting Airbus Helicopters technical support, this AD requires that the corrective action be accomplished using a method approved by the Manager, Strategic Policy Rotorcraft Section, FAA. The Manager's approval letter must specifically refer to this AD.

(5) The ''Remarks'' section of EASA AD 2016–0232R1 does not apply to this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is operated under visual flight rules and without passengers only.

(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) 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

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.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2016–0232R1, dated December 12, 2019.

(ii) [Reserved]

(3) For EASA AD 2016–0232R1, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) 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. 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–2021–0016.

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

Issued on May 11, 2021.

Ross Landes,

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

[FR Doc. 2021–11803 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0452; Project Identifier MCAI–2021–00388–R; Amendment 39–21597; AD 2021–12–10]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Leonardo S.p.a. Model AB139 and AW139 helicopters with 3-stretcher kit part number 139084–501 installed. This AD was prompted by a report of a design deficiency which affects the primary stretcher unit of the 3-stretcher kit. This AD requires installing a placard on the primary stretcher. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective June 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 22, 2021.

The FAA must receive comments on this AD by July 22, 2021.

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

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

For service information identified in this final rule, contact Aerolite AG, Aumühlestrasse 10, CH–6373 Ennetbürgen, Switzerland; phone: +41 (0)41 624 58 58; fax: +41 (0)41 624 58 59; email: *info@aerolite.ch.* 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. Service information that is incorporated by reference is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0452.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0452; 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 European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Mail Stop: Room 410, Westbury, NY 11590; phone: (516) 228–7330; email: *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0095, dated March 31, 2021 (EASA AD 2021–0095), to correct an unsafe condition for Leonardo S.p.a. Model AB139 and AW139 helicopters with 3-stretcher kit part number 139084–501 installed by a certain supplemental type certificate (STC). EASA advises that a design deficiency was identified, affecting the primary stretcher unit, part number 002095–502, of the 3-stretcher kit part number 139084–501. This condition, if not addressed, could lead, in case of an emergency landing, to failure of the primary stretcher of the 3-stretcher kit, possibly resulting in injury to helicopter occupants.

Accordingly, EASA AD 2021–0095 requires installing a placard on the primary stretcher stating a limitation of 61 kg (134.5 lbs) for the maximum allowable weight of the occupant on the primary stretcher. EASA considers its AD an interim action and states that further AD action may follow. Although EASA AD 2021–0095 applies to Leonardo S.p.a. Model AB139 and AW139 helicopters with 3-stretcher kit part number 139084–501 installed by a certain STC, this AD applies to helicopters with an affected part installed instead.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of these same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Aerolite Alert Service Bulletin ASB–21–006, dated March 16, 2021. This service information specifies procedures for installing a weight limit placard on the primary stretcher unit of the 3-stretcher kit.

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

AD Requirements

This AD requires accomplishing the actions specified in the service information already described, except as discussed under ''Differences Between the AD and the EASA AD.''

Differences Between This AD and the EASA AD

EASA AD 2021–0095 requires operators to ''inform all affected flight crew and medical crew members'' of the placard installation on the primary stretcher. However, this AD would not specifically require that action.

Interim Action

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

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because a design deficiency which affects the primary stretcher unit of the 3-stretcher kit, if not addressed, could lead, in case of an emergency landing, to failure of the primary stretcher, possibly resulting in injury to helicopter occupants. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0452; Project Identifier MCAI–2021–00388–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Mail Stop: Room 410, Westbury, NY 11590; phone: (516) 228–7330; email: *andrea.jimenez@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 129 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.

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$10	$95	$12,255

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–12–10 Leonardo S.p.a.: Amendment 39–21597; Docket No. FAA–2021–0452; Project Identifier MCAI–2021–00388–R.

(a) Effective Date

This airworthiness directive (AD) is effective June 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, with 3-stretcher kit part number 139084–501 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 1100, Placards and Markings.

(e) Unsafe Condition

This AD was prompted by a report of a design deficiency which affects the primary stretcher unit of the 3-stretcher kit. The FAA is issuing this AD to address a design deficiency which affects the primary stretcher unit of the 3-stretcher kit. The unsafe condition, if not addressed, could lead, in case of an emergency landing, to failure of the primary stretcher, possibly resulting in injury to helicopter occupants.

(f) Compliance

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

(g) Required Actions

Within 30 hours time-in-service (TIS) after the effective date of this AD, install a placard on the primary stretcher in accordance with the Accomplishment Instructions of Aerolite Alert Service Bulletin ASB–21–006, dated March 16, 2021.

(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 Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Mail Stop: Room 410, Westbury, NY 11590; phone: (516) 228–7330; email: *andrea.jimenez@faa.gov.*

(2) For service information identified in this AD, contact Aerolite AG, Aumühlestrasse 10, CH–6373 Ennetbürgen, Switzerland; phone: +41 (0)41 624 58 58; fax: +41 (0)41 624 58 59; email: *info@aerolite.ch.* 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 European Union Aviation Safety Agency (EASA) AD 2021–0095, dated March 31, 2021. You may view the EASA AD at *https://www.regulations.gov* in Docket No. FAA–2021–0452.

(j) Material Incorporated by Reference

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

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

(i) Aerolite Alert Service Bulletin ASB–21–006, dated March 16, 2021.

(ii) [Reserved]

(3) For Aerolite AG service information identified in this AD, contact Aerolite AG, Aumühlestrasse 10, CH–6373 Ennetbürgen, Switzerland; phone: +41 (0)41 624 58 58; fax: +41 (0)41 624 58 59; email: *info@aerolite.ch.*

(4) 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.

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

Issued on May 28, 2021.

Ross Landes,

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

[FR Doc. 2021–11961 Filed 6–3–21; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0857; Project Identifier MCAI–2020–00707–A; Amendment 39–21570; AD 2021–11–08]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2014–25–04 for all Pilatus Aircraft Ltd. (Pilatus) Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes. AD 2014–25–04 required incorporating revised airworthiness limitations into the aircraft maintenance manual (AMM) for your FAA-approved maintenance program. This AD requires incorporating new airworthiness limitations and an eddy current inspection of each fuselage wing fitting if an earlier version of the service information was accomplished. This AD was prompted by a determination that the new life limits, revised airworthiness limitations, and new inspection procedures are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2021.

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

ADDRESSES: For service information identified in this final rule, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; phone: +41 848 24 7 365; email: *Techsupport@pilatus-*

aircraft.com; website: *https://www.pilatus-aircraft.com/en.* 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. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014) (AD 2014–25–04). AD 2014–25–04 applied to all Pilatus Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes and resulted from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. AD 2014–25–04 required incorporating revised airworthiness limitations into the AMM for your FAA-approved maintenance program.

The NPRM published in the **Federal Register** on October 2, 2020 (85 FR 62266). The NPRM was prompted by a MCAI issued by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA superseded its previous MCAIs on this unsafe condition with EASA AD 2020–0120, dated May 27, 2020 (EASA AD 2020–0120). The NPRM proposed to require revising the airworthiness limitation section of the existing maintenance manual or instructions for continued airworthiness to incorporate new airworthiness limitations, and performing an eddy current inspection of the fuselage wing fittings and wing to fuselage fittings.

After the FAA issued the NPRM, EASA superseded EASA AD 2020–0120 and issued EASA AD 2020–0278, dated December 14, 2020 (EASA AD 2020–0278) (also referred to after this as ''the MCAI''). According to EASA AD 2020–0278, an installation procedure specified in the service information identified in the NPRM contained an error and, therefore, did not adequately address the identified unsafe condition. Pilatus revised the airworthiness limitations and issued corrected service information, which includes installing certain bushes using grease instead of a bonding agent and an additional one-time eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings if the last inspection was performed using an earlier version of the service information. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2014–25–04. The SNPRM published in the **Federal Register** on March 8, 2021 (86 FR 13222). The SNPRM proposed to add an eddy current inspection of each fuselage wing fitting if an earlier version of the service information was accomplished. The FAA is issuing this AD to address reduced airplane controllability due to possible loss of structural integrity of certain parts.

Discussion of the Final Airworthiness Directive

Comments

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

Conclusion

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 and service information referenced above. The FAA reviewed the relevant data and determined that air safety requires adoption of the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the SNPRM.

Related Service Information Under 1 CFR Part 51

Pilatus issued the Airworthiness Limitations Section of PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020; and Section 04–00–00, Airworthiness Limitations of Chapter 04, Airworthiness Limitations, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020. This service information contains airworthiness limitations for the stabilizer trim actuator, fuselage wing fittings, and wing-to-fuselage fittings. These documents are distinct since they apply to different airplane models.

Pilatus also issued Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020; Section 57–00–03, Wing to Fuselage Fittings—Inspection/Check, of the PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020; Appendix K, Fuselage Wing Fittings—Inspection/Check, of the PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020; and Appendix L, Wing to Fuselage Fittings—Inspection/Check, of the PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020. This service information specifies procedures for repetitive eddy current inspections of the fuselage wing fittings and wing-to-fuselage fittings and, if necessary, installing the bush on the fuselage wing fittings using grease. These documents are distinct since they apply to different airplane models.

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

Costs of Compliance

The FAA estimates that this AD affects 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
ALS revision	1 work-hour × $85 per hour = $85.	$0	$85	$2,550.
Eddy current inspection of the fuselage wing fittings and wing-to-fuselage fittings.	7 work-hours × $85 per hour = $595.	1,860	2,455 per inspection cycle.	73,650 per inspection cycle.

The FAA estimates the following costs to do the inspections and installation that would be required if an earlier version of the service information has been accomplished. The agency has no way of determining the number of aircraft that might need these inspections and installation:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Visual and eddy current inspection and installation for certain bushes	7 work-hours × $85 per hour = $595.	$1,860	$2,455

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed 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:

■ a. Removing Airworthiness Directive 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014), and

■ b. Adding the following new airworthiness directive:

2021–11–08 Pilatus Aircraft Ltd.: Amendment 39–21570; Docket No. FAA–2020–0857; Project Identifier MCAI–2020–00707–A.

(a) Effective Date

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

(b) Affected ADs

This AD replaces AD 2014–25–04, Amendment 39–18045 (79 FR 73803, December 12, 2014) (AD 2014–25–04).

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes, all serial numbers, certificated in any category.

Note 1 to paragraph (c): These airplanes may also be identified as Fairchild Republic Company airplanes, Fairchild Industries airplanes, Fairchild Heli Porter airplanes, or Fairchild-Hiller Corporation airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new and more restrictive airworthiness limitations, new life limits, and new inspection procedures are necessary. The FAA is issuing this AD to address reduced airplane controllability due to possible loss of structural integrity of certain parts.

(f) Airworthiness Limitations Revision

Unless already done, before further flight, comply with the actions specified in paragraphs (f)(1) through (3) of this AD.

(1) For Models PC–6/B2–H2 and PC–6/B2–H4 airplanes, revise the airworthiness limitations section (ALS) of the existing maintenance manual or instructions for continued airworthiness (ICA) for your airplane as follows:

(i) Replace Section 04–00–00 with Section 04–00–00, Airworthiness Limitations, of Chapter 04, Airworthiness Limitations, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020.

(ii) Add (or replace, if applicable) Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020.

(iii) Add Section 57–00–03, Wing to Fuselage Fittings—Inspection/Check, of the Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020.

(2) For all airplanes specified in paragraph (c) of this AD except Models PC–6/B2–H2 and PC–6/B2–H4 airplanes, revise the ALS of

the existing maintenance manual or ICA for your airplane as follows:

(i) Replace the ALS with the Airworthiness Limitations Section of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020.

(ii) Add (or replace, if applicable) Appendix K, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020.

(iii) Add Appendix L, Wing to Fuselage Fittings—Inspection/Check, of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020.

(3) For all airplanes specified in paragraph (c) of this AD, after revising the ALS as required by paragraphs (f)(1) and (2) of this AD, remove from service each part that has reached or exceeded its new life limit.

(g) Inspections and Replacement

(1) For airplanes with a bush part number (P/N) 6100.0020.01 that has been bonded as specified in Section 53–00–01, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020; or Appendix K, Fuselage Wing Fittings—Inspection/Check, of Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020: Within 50 hours time-in-service (TIS) after the effective date of this AD, perform a visual and eddy current inspection of each fuselage wing fitting on fuselage Frame 3, remove bush P/N 6100.0020.01 from service, and install a new (zero hours TIS) bush P/N 6100.0020.01 into Frame 3 with grease by using the procedures specified in paragraph (f)(1)(ii) or (f)(2)(ii) of this AD, as applicable to your airplane.

(2) Unless already done, within 1,100 hours TIS after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, perform an eddy current inspection of each fuselage wing fitting and each wing-to-fuselage fitting using the procedures specified in paragraphs (f)(1)(ii) and (iii) of this AD, or paragraphs (f)(2)(ii) and (iii) of this AD, as applicable to your airplane. Thereafter, repeat the eddy current inspection of each fuselage wing fitting and each wing-to-fuselage fitting at the intervals specified in the ALS identified in paragraph (f)(1)(i) or (f)(2)(i), as applicable to your airplane.

(h) No Alternative Actions or Intervals

After the ALS has been revised as required by paragraph (f) of this AD, no alternative inspection intervals or procedures may be approved, except as provided in paragraph (i) of this AD.

(i) Other FAA AD Provisions

Alternative Methods of Compliance (AMOCs): The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send your request to the person identified in Related Information. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspection, the manager of the local Flight Standards District Office.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Union Aviation Safety Agency (EASA) AD 2020–0120, dated May 27, 2020, and EASA AD 2020–0278, dated December 14, 2020, for related information. This MCAI may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0857.

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

(k) Material Incorporated by Reference

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

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

(i) Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 29, dated February 28, 2020.

(A) Section 57–00–03, Wing to Fuselage Fittings—Inspection/Check.

(B) [Reserved]

(ii) Pilatus PC–6 Aircraft Maintenance Manual Document No. 01975, Revision 30, dated October 30, 2020.

(A) Section 04–00–00, Airworthiness Limitations, of Chapter 04, Airworthiness Limitations.

(B) Section 53–00–01, Fuselage Wing Fittings—Inspection/Check.

(iii) Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 9, dated March 6, 2020.

(A) Appendix L, Wing to Fuselage Fittings—Inspection/Check.

(B) [Reserved]

(iv) Pilatus PC–6 Airworthiness Limitations Document No. 02334, Revision 10, dated October 30, 2020.

(A) Airworthiness Limitations Section.

(B) Appendix K, Fuselage Wing Fittings—Inspection/Check.

(3) For service information identified in this AD, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; telephone: +41 848 24 7 365; email: *Techsupport@pilatusaircraft.com;* website: *https://www.pilatusaircraft.com/en.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued on May 15, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–11812 Filed 6–4–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0378; Project Identifier 2017–SW–122–AD; Amendment 39–21576; AD 2021–11–14]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by reports of failed nose landing gear (NLG) retraction actuators during the acceptance test procedures on the ground on the final assembly line. This AD requires depending on the helicopter configuration, various modifications, installation checks, inspections of the NLG and main landing gear (MLG) retraction actuators and of the plungers of the NLG and MLG up down lock actuators, and corrective actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective June 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 22, 2021.

The FAA must receive comments on this AD by July 22, 2021.

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

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

p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* 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. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0378.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0378; 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 European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Anthony Kenward, Aerospace Engineer, AIR–7F1, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX 78101; telephone (817) 222–5152; email *Anthony.Kenward@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0164, dated September 4, 2017 (EASA AD 2017–0164), to correct an unsafe condition for certain Leonardo S.p.a. Model AW169 helicopters. The EASA advises that there were reports of failed NLG retraction actuators during the acceptance test procedures on the ground on the final assembly line. The EASA stated the NLG got stuck at approximately a 45° angle (half of the full stroke) regardless of the selected extension mode (normal or emergency). Investigation revealed that excessive friction inside the NLG retraction actuator caused internal damage, resulting in mechanical jam of the actuator rotary shaft. The EASA advised that due to similarity of design, the same failure mode can affect the MLG retraction actuators. This condition, if not addressed, could result in a partially locked or unlocked NLG or MLG upon landing, possibly resulting in damage to the helicopter and injury to the occupants.

Accordingly, the EASA AD requires, depending on the helicopter configuration, various modifications, installation checks, inspections of the plungers of the NLG and MLG up down lock actuators, and corrective actions if necessary.

FAA's Determination

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 issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and 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 Leonardo Helicopters Alert Service Bulletin 169–023, Revision B, dated April 16, 2018 (ASB 169–023, Revision B). This service information specifies procedures for, depending on the helicopter configuration, various modifications, installation checks (which include measurements), inspections of the plungers of the NLG and MLG up down lock actuators, and corrective actions if necessary. The modifications include replacing the actuators, installing enhanced landing gear retracting actuators, modifying the landing gear actuator control box, improving the landing gear proximity switch, and doing checks and measurements. Corrective actions include replacing the NLG and MLG lock support buffer, reinstalling the NLG and MLG retracting electrical actuator, shimming gaps, adjusting the position of the NLG retracting lever, applying lubricant, installing a pin, replacing washers, and reinstalling the NLG assembly.

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

AD Requirements

This AD requires accomplishing the actions specified in the service information already described, except as discussed under ''Differences Between this AD and the MCAI.''

Differences Between This AD and the MCAI

EASA AD 2017–0164 requires modifications and installation checks within 200 hours time-in-service (TIS) or 6 months, whichever occurs first; this AD requires those actions within 200 hours TIS.

EASA AD 2017–0164 requires, for certain helicopters, an inspection of the plungers of the NLG and MLG up down lock actuators within 50 hours TIS or 30 days, whichever occurs first; this AD requires that action within 30 days.

Justification for Immediate Adoption and Determination of the Effective Date

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

There is one helicopter with this type certificate on the U.S. Register. The FAA has confirmed that the identified unsafe condition has been addressed on that helicopter. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0378; Project Identifier 2017–SW–122–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Anthony Kenward, Aerospace Engineer, AIR–7F1, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX 78101; telephone (817) 222–5152; email *Anthony.Kenward@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

Currently, there are no affected U.S.-registered helicopters. As stated previously, there is one helicopter on the U.S. Register; however, the required actions have already been accomplished on that helicopter. If an affected helicopter is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
Up to 147 work-hours × $85 per hour = $12,495	(*)	$12,495

* The FAA has received no definitive data that would enable the agency to provide cost estimates for the parts cost of the required actions specified in this AD.

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 ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680	Negligible	$680

According to the manufacturer, some or all of the costs of this 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

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

For the reasons discussed, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–11–14 Leonardo S.p.a.: Amendment 39–21576; Docket No. FAA–2021–0378; Project Identifier 2017–SW–122–AD.

(a) Effective Date

This airworthiness directive (AD) is effective June 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category, identified in paragraphs (c)(1) and (2) of this AD.

(1) Helicopters having serial number 69007, 69009, 69011, 69013, 69014, 69015, 69017, 69018, 69020, 69021, 69022, 69023, 69024, 69025, 69027, 69028, 69031, 69032, 69041, 69042, 69043, 69044, 69049 and 69051.

(2) All helicopters equipped with retractable landing gear (LG) system part number (P/N) 6F3200F00311 or P/N 6F3200F00411.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 3233, Landing Gear Actuator.

(e) Unsafe Condition

This AD was prompted by reports of failed nose landing gear (NLG) retraction actuators during the acceptance test procedures on the ground on the final assembly line. The FAA is issuing this AD to address failed NLG and main landing gear (MLG) retraction actuators. The unsafe condition, if not addressed, could result in a partially locked or unlocked NLG or MLG upon landing, possibly resulting in damage to the helicopter and injury to the occupants.

(f) Compliance

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

(g) Modifications

Within 200 hours time-in-service (TIS) after the effective date of this AD, do the applicable actions specified in paragraphs (g)(1) through (5) of this AD, in accordance with the applicable part of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 169–023, Revision B, dated April 16, 2018 (ASB 169–023, Revision B), except as required by paragraph (k) of this AD.

(1) For helicopters having S/N 69011 and S/N 69017 that are not equipped with retractable LG system P/N 6F3200F00411 (enhanced NLG retracting actuator P/N 6F3230V00532 and enhanced MLG retracting actuators P/N 6F3230V00832 and P/N 6F3230V01032): Modify the helicopter (which includes replacing the actuators and doing checks and measurements), as specified in Part I of ASB 169–023, Revision B.

(2) For helicopters having S/N 69007, S/N 69015, S/N 69018, and S/N 69022 that are not equipped with retractable LG system P/N 6F3200F00411 (enhanced NLG retracting actuator P/N 6F3230V00532 and enhanced MLG retracting actuators P/N 6F3230V00832 and P/N 6F3230V01032): Modify the helicopter (which includes installing enhanced landing gear retracting actuators and doing checks and measurements), as specified in Part II of ASB 169–023, Revision B.

(3) For helicopters having S/N 69032, S/N 69041, and S/N 69051 that are not equipped with retractable LG system P/N 6F3200F00411 (enhanced NLG retracting actuator P/N 6F3230V00532 and enhanced MLG retracting actuators P/N F3230V00832 and P/N 6F3230V01032): Modify the helicopter (which includes installing enhanced landing gear retracting actuators and doing checks and measurements), as specified in Part III of ASB 169–023, Revision B.

(4) For helicopters having S/N 69007, S/N 69009, S/N 69011, S/N 69013, S/N 69014, S/N 69015, S/N 69017, S/N 69018, S/N 69020, S/N 69021, S/N 69022, S/N 69023, S/N 69024, S/N 69027, S/N 69032, S/N 69041, and S/N 69051: Modify the helicopter (which includes modifying the landing gear actuator control box), as specified in Part IV of ASB 169–023, Revision B.

(5) For helicopters having S/N 69007, S/N 69009, S/N 69011, S/N 69013, S/N 69014, S/N 69015, S/N 69017, S/N 69018, S/N 69020, S/N 69021, S/N 69022, S/N 69023, S/N 69024, S/N 69025, S/N 69027, S/N 69028, S/N 69031, S/N 69032, S/N 69041, S/N 69042, S/N 69043, S/N 69044, and S/N 69051: Modify the helicopter (which includes improving the landing gear proximity switch and doing checks and measurements), as specified in Part V of ASB 169–023, Revision B.

(h) Installation Checks

For helicopters having S/N 69009, S/N 69013, S/N 69014, S/N 69020, S/N 69021, S/N 69023, S/N 69024, S/N 69025, S/N 69027, S/N 69028, S/N 69031, S/N 69042, S/N 69043, S/N 69044, and S/N 69049 that are equipped with both retractable LG system P/N 6F3200F00311 and P/N 6F3200F00411: Within 200 hours TIS after the effective date of this AD, accomplish installation checks (which include measurements), in accordance with Part VI of the Accomplishment Instructions of ASB 169–023, Revision B, except as required by paragraph (k) of this AD.

(i) NLG and MLG Up Down Lock Actuator Inspection

For helicopters equipped with retractable LG system P/N 6F3200F00311 or P/N 6F3200F00411: At the time specified in paragraph (i)(1) or (2) of this AD, whichever occurs first, inspect the plungers of the NLG and MLG up down lock actuators, in accordance with Part VII of the Accomplishment Instructions of ASB 169–023, Revision B, except as required by paragraph (k) of this AD.

(1) Within 30 days after the effective date of this AD.

(2) Concurrently with the modifications required by paragraphs (g)(1), (2), and (3) of this AD, as applicable.

(j) Corrective Actions

(1) If, during any modification required by paragraph (g)(1), (2), (3), or (5) of this AD, or during any installation check required by paragraph (h) of this AD, any discrepancy is detected, before further flight, accomplish the applicable corrective actions, in accordance with the Accomplishment Instructions of ASB 169–023, Revision B, except as required by paragraph (k) of this AD. For this AD, discrepancies include gaps between parts that are not within tolerances, improperly aligned rotational axis of certain parts, non-parallel lever for certain parts, a certain pin is not installed on the MLGs, and incorrect thickness of certain washers.

(2) If, during any inspection required by paragraph (i) of this AD, corrosion is detected, before further flight, accomplish the applicable corrective action and apply corrosion inhibitor on the plungers of the NLG and MLG up down lock actuators, in accordance with Part VII of the Accomplishment Instructions of ASB 169–023, Revision B, except as required by paragraph (k) of this AD.

(3) If, during any inspection required by paragraph (i) of this AD, no corrosion is detected, before further flight, apply corrosion inhibitor on the plungers of the NLG and MLG up down lock actuators, in accordance with Part VII of the Accomplishment Instructions of ASB 169–023, Revision B, except as required by paragraph (k) of this AD.

(k) Service Information Exceptions

(1) Where ASB 169–023, Revision B, specifies to discard certain parts, this AD requires removing those parts from service.

(2) Where ASB 169–023, Revision B, specifies to contact the manufacturer, before further flight, repair using a method approved by the Manager, International Validation Branch, FAA. For a repair method to be approved by the Manager, International Validation Branch, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(3) Where ASB 169–023, Revision B, specifies to return certain parts, this AD does not include that requirement.

(l) No Reporting Requirement

Although ASB 169–023, Revision B, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(m) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (g), (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Leonardo Helicopters Alert Service Bulletin 169–023, dated May 31, 2017, provided that, for helicopters on which Part V of that service information was accomplished, the adhesive fixing of the NLG and MLG support buffers is replaced within 3 months after the effective date of this AD. The replacement must be done in accordance with steps 1., 2., 8.3, 8.4, 18., and 20. of Part V of the Accomplishment Instructions of ASB 169–023, Revision B, except as specified in paragraph (k) of this AD.

(2) This paragraph provides credit for actions required by paragraphs (g), (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Leonardo Helicopters Alert Service Bulletin 169–023, Revision A, dated September 1, 2017.

(n) 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 certification office, send it to the attention of the person identified in paragraph (o)(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.

(o) Related Information

(1) For more information about this AD, contact Anthony Kenward, Aerospace Engineer, AIR–7F1, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, TX 78101; telephone (817) 222–5152; email *Anthony.Kenward@faa.gov.*

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2017–0164, dated September 4, 2017. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(p) Material Incorporated by Reference

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

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

(i) Leonardo Helicopters Alert Service Bulletin 169–023, Revision B, dated April 16, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(4) 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.

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

Issued on May 19, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–11806 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0196; Project Identifier 2018–SW–021–AD; Amendment 39–21571; AD 2021–11–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters. This AD was prompted by an analysis of the main rotor (M/R) blade loop area. This AD requires repetitive inspections of certain M/R blade thimble areas and corrective actions if necessary, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 12, 2021.

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

ADDRESSES: For EASA material 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 material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0196.

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–2021–0196; 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 EASA AD, 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, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA; telephone (206) 231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0061, dated March 20, 2018 (EASA AD 2018–0061), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (AHD) (formerly Eurocopter Deutschland GmbH, Eurocopter Hubschrauber GmbH, Messerschmitt-Bölkow-Blohm GmbH), Airbus Helicopters Inc. (formerly American Eurocopter LLC) Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, and MBB–BK117 C–1 helicopters, all serial numbers.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters with an ''affected 'angle 0' parts'' or ''affected 'angle 1' parts'' installed, as identified in EASA AD 2018–0061. The NPRM published in the **Federal Register** on March 26, 2021 (86 FR 16121). The NPRM was prompted by new test results from an analysis of the M/R blade loop area, which revealed that certain M/R blade thimbles require reduced inspection intervals. The NPRM proposed to require repetitive inspections of certain M/R blade thimble areas and corrective actions if necessary, as specified in EASA AD 2018–0061. The FAA is issuing this AD to address composite failure of the M/R blades, resulting in loss of control of

the helicopter. See EASA AD 2018–0061 for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

EASA AD 2018–0061 specifies compliance intervals to repetitively inspect certain M/R blades, with a blade sweep angle of 1 degree, for cracks and resin chippings in the area of the greater thimble radius and corrective actions, if there is a crack or anomaly. EASA AD 2018–0061 also specifies compliance intervals to repetitively inspect certain M/R blades, with a blade sweep angle of 0 degrees, for cracks and bulging in the teflon foil in the area of the greater thimble radius and corrective actions, if there is a crack or bulge. Corrective actions include dispatching the M/R blades to an authorized repair station, as required.

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

Differences Between This AD and the EASA AD

EASA AD 2018–0061 applies to Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2 and MBB–BK117 C–1 helicopters, whereas this AD applies to Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters with certain M/R blades installed instead. The service information required by EASA AD 2018–0061 requires accomplishment of certain corrective action by ''ECD'' or an authorized service or repair station, whereas this AD requires performing the corrective action in accordance with FAA-approved procedures instead. EASA AD 2018–0061 requires revising the Aircraft Maintenance Program (AMP), whereas this AD does not. EASA AD 2018–0061 allows a tolerance to compliance times, whereas this AD does not.

Costs of Compliance

The FAA estimates that this AD affects 216 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Inspecting an M/R blade thimble area takes about 1 work-hour for an estimated cost of about $85 per M/R blade thimble, per inspection cycle.

Repairing or replacing an M/R blade takes up to about 20 work-hours and parts cost up to about $23,100 for an estimated cost of up to $24,800 per blade.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–11–09 Airbus Helicopters Deutschland GmbH: Amendment 39–21571; Docket No. FAA–2021–0196; Project Identifier 2018–SW–021–AD.

(a) Effective Date

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

(b) Affected ADs None

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 A–1, MBB–BK 117 A–3, MBB–BK 117 A–4, MBB–BK 117 B–1, MBB–BK 117 B–2, and MBB–BK 117 C–1 helicopters, certificated in any category, with an ''affected 'angle 0' parts'' or ''affected 'angle 1' parts'' installed, as identified in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0061, dated March 20, 2018 (EASA AD 2018–0061).

(d) Subject

Joint Aircraft System Component (JASC) Code: 6200, Main Rotor System.

(e) Reason

This AD was prompted by new test results from a composite analysis of the main rotor (M/R) blade loop area, which revealed that certain M/R blade thimbles require reduced inspection intervals. The FAA is issuing this AD to address composite failure of an M/R blade, which if not addressed could result in 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, EASA AD 2018–0061.

(h) Exceptions to EASA AD 2018–0061

(1) Where EASA AD 2018–0061 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2018–0061 refers to flight hours, this AD requires using hours time-in-service (TIS).

(3) Where Table 1, Table 2, and Note 2 of EASA AD 2018–0061 specify inspection

thresholds, intervals, and a non-cumulative compliance time tolerance of 10% for certain required compliance times, this AD requires accomplishing those requirements, as follows:

(i) For helicopters with an ''affected 'angle 0' parts,'' the compliance time is before accumulating 660 total hours TIS on the affected part or within 100 hours TIS after the effective date of this AD, whichever occurs later, and without accumulating 1,600 total hours TIS on the affected part. Thereafter, the compliance time is at intervals not to exceed 330 hours TIS.

(ii) For helicopters with an ''affected 'angle 1' parts,'' the compliance time is before accumulating 110 total hours TIS on the affected part or within 50 hours TIS after the effective date of this AD, whichever occurs later, and without accumulating 950 total hours TIS on the affected part. Thereafter, the compliance time is at intervals not to exceed 110 hours TIS.

(iii) For helicopters specified in paragraph (c) of this AD, Note 1 of EASA AD 2018–0061 specifies accumulated FH as, ''Unless otherwise specified, the FH specified in Table 2 of this AD are those accumulated since the previous M/R blade thimble inspection.'' This AD requires intervals thereafter to be accumulated since accomplishment of paragraph (g) of this AD.

(4) While paragraph (5) and Note 3 of EASA AD 2018–0061 specify revising the Aircraft Maintenance Program (AMP), this AD does not require this action.

(5) Where the service information referenced in EASA AD 2018–0061 specifies accomplishment of certain corrective action by ''ECD'' or an authorized service or repair station, this AD requires the corrective actions to be performed by a qualified mechanic.

(6) Where the service information referenced in EASA AD 2018–0061 specifies contacting ''ECD'' or an authorized service or repair station, this AD requires performing the corrective action in accordance with FAA-approved procedures.

(7) The ''Remarks'' section of EASA AD 2018–0061 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs):

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

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

(j) Related Information

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; telephone (206) 231–3218; email *kathleen.arrigotti@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Aviation Safety Agency (EASA) AD 2018–0061, dated March 20, 2018.

(ii) [Reserved]

(3) For EASA AD 2018–0061, 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 material on the EASA website at *https://ad.easa.europa.eu.*

(4) 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.

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

Issued on May 15, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–11810 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0047; Airspace Docket No. 20–AWP–31]

RIN 2120–AA66

Establishment of Class E Airspace; Shafter, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Shafter-Minter Field Airport, Shafter, CA. The airspace is designed to support instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: 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: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 establishes Class E airspace at Shafter-Minter Field Airport, Shafter, CA, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 13247; March 8, 2021) for Docket No. FAA–2021–0047 to establish Class E airspace at Shafter-Minter Field Airport, Shafter, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 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 designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

This amendment to 14 CFR part 71 establishes Class E airspace, extending upward from 700 feet above the surface, at Shafter-Minter Field Airport, Shafter, CA. This airspace is designed to contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface.

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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. 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 rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E5 Shafter, CA [New]

Shafter-Minter Field Airport, CA
(Lat. 35°30′27″N, long. 119°11′32″W)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the airport, and within 3.4 miles each side of the 091° bearing from the airport, extending from the 4-mile radius to 14.2 miles east of the airport, and within 2.9 miles each side of the 290° bearing from the airport, extending from the 4-mile radius to 6.5 miles west of the airport.

Issued in Des Moines, Washington, on May 28, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–11762 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0044; Airspace Docket No. 19–AWP–25]

RIN 2120–AA66

Modification of Class D and Class E Airspace; Bakersfield, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace at Meadows Field Airport, Bakersfield, CA. This action also modifies the Class E airspace designated as a surface area and the Class E airspace extending upward from 700 feet above the surface. Further, this action removes the Class E airspace extending upward from 1,200 feet above the surface. Additionally, this action updates the term ''Airport/Facility Directory'' to ''Chart Supplement'' in the last sentence of the Class D and Class E2 airspace descriptions. Finally, this action implements several administrative corrections to the Class D, Class E2, and Class E5 text headers.

DATES: Effective 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: 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: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 modifies the Class D and Class E airspace at Meadows Field Airport, Bakersfield, CA, to ensure the safety and management of instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 13242; March 8, 2021) for Docket No. FAA–2021–0044 to modify the Class D and Class E airspace at Meadows Field Airport, Bakersfield, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D, E2, and E5 airspace designations are published in paragraphs 5000, 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 D and E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

This amendment to 14 CFR part 71 modifies the Class D airspace at Meadows Field Airport, Bakersfield, CA. The Class D is not sized properly to contain IFR arrivals descending below 1,000 feet above the surface, or IFR departures to 700 feet above the surface. To properly contain IFR arrivals, the circular radius should be reduced from 5 miles to 4.5 miles. To properly contain IFR departures flying toward or over rising terrain, three areas should be added to the circular radius, one area southeast and two areas northwest of the airport.

This action also modifies the lateral boundaries of the Class E airspace, designated as a surface area, to be coincident with the Class D airspace area.

The action modifies the Class E airspace extending upward from 700 feet above the surface. The airspace is not sized properly to contain IFR arrivals descending below 1,500 feet above the surface, or IFR departures to 1,200 feet above the surface. This airspace area is reduced southeast of the airport and increased northwest of the airport.

Further, this action removes the Class E airspace extending upward from 1,200 feet above the surface. This airspace area is wholly contained within the Los Angeles en route airspace area, and duplication is not necessary.

Additionally, this action updates the last sentence in the Class D and Class E2 airspace descriptions by replacing the term ''Airport/Facility Directory'' with ''Chart Supplement.''

Lastly, the action implements several administrative updates. The second line of the Class D, Class E2, and Class E5 text headers includes the city name ''Bakersfield''. The city name should be removed from this line of text. The airport's geographic coordinates listed in the third line of the Class D, Class E2, and Class E5 text header do not match the FAA's database. The coordinates should be updated to lat. 35°26′02″ N, long. 119°03′28″ W.

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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. 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 rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AWP CA D Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02″ N, long. 119°03′28″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.5-mile radius of the airport, and within 1.8 miles each side of the 134° bearing from the airport, extending from the 4.5-mile radius to 5.5 miles southeast of the airport, and within 1.8 miles each side of the 316° bearing from the airport, extending from the 4.5-mile radius to 5.3 miles northwest of the airport, and within 1.9 miles each side of the 331° bearing from the airport, extending from the 4.5-mile radius to 6.8 miles northwest of Meadows Field Airport. This Class D airspace area is effective during the specific dates and times established in advance by a

Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as a Surface Area.

* * * * *

AWP CA E2 Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02″ N, long. 119°03′28″ W)

That airspace extending upward from the surface within a 4.5-mile radius of the airport, and within 1.8 miles each side of the 134° bearing from the airport, extending from the 4.5-mile radius to 5.5 miles southeast of the airport, and within 1.8 miles each side of the 316° bearing from the airport, extending from the 4.5-mile radius to 5.3 miles northwest of the airport, and within 1.9 miles each side of the 331° bearing from the airport, extending from the 4.5-mile radius to 6.8 miles northwest of Meadows Field Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or more above the Surface of the Earth.

* * * * *

AWP CA E5 Bakersfield, CA [Amended]

Meadows Field Airport, CA
(Lat. 35°26′02 ″ N, long. 119°03′28″ W)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the airport, and within 3.8 miles east and 8.8 miles west of the 337° bearing from the airport, beginning 3.5 miles northwest of the airport and extending to 19.6 miles northwest of Meadows Field Airport.

Issued in Des Moines, Washington, on May 28, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–11767 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0046; Airspace Docket No. 20–AWP–29]

RIN 2120–AA66

Amendment of Class E Airspace; Delano, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace extending upward from 700 feet above the surface at Delano Municipal Airport, Delano, CA. The airspace is designed to support instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, August 12, 2021. The Director of the Federal Register approve this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: 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: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 modifies the Class E airspace at Delano Municipal Airport, Delano, CA, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 13249; March 8, 2021) for Docket No. FAA–2021–0046 to modify the Class E airspace at Delano Municipal Airport, Delano, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment, which is not germane to the proposed airspace modification was received.

Class E5 airspace designations are published in paragraph 6005 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 designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

This amendment to 14 CFR part 71 modifies the Class E airspace, extending upward from 700 feet above the surface, at Delano Municipal Airport, Delano, CA. The modification properly sizes the airspace to contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface. The airspace's circular radius is reduced from 6.5 miles to 4 miles and an area is added to the southeast and another to the north of the airport.

This action also updates the airport's geographical coordinates to lat. 35°44′44″ N, long. 119°14′11″ W.

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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. 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 rule, when

promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E5 Delano, CA [Amended]

Delano Municipal Airport, CA
(Lat. 35°44′44″ N, long. 119°14′11″ W)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the airport, and within 4 miles east and 8 miles west of the 157° bearing from the airport, beginning 4 miles southeast of the airport and extending to 22 miles southeast of the airport, and within 1.8 miles each side of the 342° bearing from the airport, extending from the 4-mile radius to 6.5 miles north of the airport.

Issued in Des Moines, Washington, on May 28, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–11761 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0045; Airspace Docket No. 20–AWP–30]

RIN 2120–AA66

Establishment of Class E Airspace; Bakersfield, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Bakersfield Municipal Airport, Bakersfield, CA. The airspace is designed to support instrument flight rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: 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: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 establishes Class E airspace at Bakersfield Municipal Airport, Bakersfield, CA, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 13246; March 8, 2021) for Docket No. FAA–2021–0045 to establish Class E airspace at Bakersfield Municipal Airport, Bakersfield, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 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 designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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 Rule

This amendment to 14 CFR part 71 establishes Class E airspace, extending upward from 700 feet above the surface, at Bakersfield Municipal Airport, Bakersfield, CA. This airspace is designed to contain IFR departures until reaching 1,200 feet above the surface, and IFR arrivals descending below 1,500 feet above the surface.

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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. 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 rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 14 CFR 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 FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP CA E5 Bakersfield, CA [New]

Bakersfield Municipal Airport, CA
(Lat. 35°19′30″ N, long. 118°59′46″ W)

That airspace extending upward from 700 feet above the surface within a 3.9-mile radius of the airport beginning at the 007° bearing from the airport, clockwise to the 122° bearing from the airport, and within a 6.3-mile radius of the airport beginning at the 122° bearing from the airport, clockwise to the 007° bearing from the airport.

Issued in Des Moines, Washington, on May 28, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–11755 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA–542]

Designation of 3,4-MDP-2-P Methyl Glycidate (PMK Glycidate), 3,4-MDP-2-P Methyl Glycidic Acid (PMK Glycidic Acid), and Alpha-Phenylacetoacetamide (APAA) as List I Chemicals; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule; correction.

SUMMARY: On May 10, 2021, the Drug Enforcement Administration published a final rule designating three chemicals, known as PMK glycidate, PMK glycidic acid, and APAA, as list I chemicals under the Controlled Substances Act (CSA). In an amendatory instruction, information specifying the precise location for entries added to a table was inadvertently omitted, which makes enactment of the amendment unworkable. This document corrects that omission.

DATES: Effective June 9, 2021.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 2021–09697 appearing on page 24703 in the **Federal Register** of Monday, May 10, 2021, the following correction is made:

§ 1310.12 [Corrected]

■ 1. On page 24708, in the third column, amendatory instruction number 5 is corrected to read as follows:

''5. In § 1310.12, in paragraph (c), add in alphanumerical order entries for ''3,4-MDP-2-P methyl glycidate (PMK glycidate),'' ''3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid),'' and ''alpha-phenylacetoacetamide (APAA)'' under ''List I Chemicals'' in the table entitled ''Table of Concentration Limits'' to read as follows:''

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–11836 Filed 6–4–21; 8:45 am]

BILLING CODE 4410–09–P

PEACE CORPS

22 CFR Part 306

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 1225

RIN 0420–AA27

Volunteer Discrimination Complaint Process

AGENCY: Peace Corps and Corporation for National and Community Service (CNCS).

ACTION: Final rule.

SUMMARY: The Peace Corps and CNCS finalize a proposed joint rule to amend the regulations that the Peace Corps and CNCS follow to process complaints of discrimination by volunteers and applicants for volunteer service. The current regulations were promulgated in January 1981 when the Peace Corps and domestic volunteer programs (such as VISTA, now subsumed by CNCS) were one entity under an organization called ACTION. At that time, Congress extended the statutory protections of the Civil Rights Act and other laws to such volunteers. Congress has since separated out the two agencies and has expressly removed the Peace Corps. As such, the regulations need to be updated.

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

ADDRESSES: You may obtain additional information regarding this action, identified by RIN 0420–AA27, by contacting the Office of the General Counsel, Peace Corps, using any of the following methods:

- *Email: policy@peacecorps.gov.* Include RIN 0420–AA27 in the subject line of the message.

• *Mail:* The Peace Corps/The Office of the General Counsel/1275 First Street NE/Washington, DC 20526.

Instructions: All submissions received must include the receiving agency's name, which is the Peace Corps, designate the Office of the General Counsel, and note the Regulatory Information Number (RIN) for this rulemaking.

FOR FURTHER INFORMATION CONTACT: David van Hoogstraten, (202) 692–2150, *dvanhoogstraten@peacecorps.gov.*

SUPPLEMENTARY INFORMATION: This is the final joint rule by which the Peace Corps and CNCS will amend the provisions of their regulations to reflect the current statutory framework applicable to volunteer and applicant rules for volunteer discrimination complaint processing. The joint final rule is also striking references to the Peace Corps from 45 CFR part 1225, and adding a revised non-discrimination process into the Peace Corps regulations in 22 CFR part 306.

Background

The Peace Corps is an independent government agency that was legislatively established in 1961 by the Peace Corps Act. Separately, in 1973, the Domestic Volunteer Service Act (Pub. L. 93–113) established domestic volunteer programs, such as VISTA, and joined the Peace Corps with those domestic volunteer programs under an umbrella organization called ACTION.

In 1979, the Domestic Volunteer Service Act Amendments (Pub. L. 96–143) extended the nondiscrimination policies and authorities set forth in Title VII of the Civil Rights Act of 1964, Title V of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 to applicants for enrollment and volunteers serving under both the Peace Corps Act and the Domestic Volunteer Service Act. That section further directed that any remedies available to individuals under such laws, other than the right to appeal to the Equal Employment Opportunity Commission, would be available to such applicants or volunteers. Congress, in extending the non-discrimination protections to the volunteers, required that the Directors of ACTION and Peace Corps prescribe regulations specifically tailored to the circumstances of such volunteers. This mandate led to the promulgation of the rules in 45 CFR 1225, which applied to both Peace Corps volunteers and domestic volunteers (and applicants for such volunteer service) who filed complaints of discrimination. At that time, a section was also added to the Peace Corps' regulations, at 22 CFR part 300 entitled *Volunteer Discrimination Complaint Procedure,* which only contains a cross reference to 45 CFR part 1225 (see 22 CFR part 306).

In December of 1981, Congress again separated the Peace Corps from domestic volunteers, and removed it from the umbrella of ACTION (Pub. L. 97–113). In the Domestic Volunteer Service Act Amendment of 1984, Public Law 98–288, sec. 30a (codified at 42 U.S.C. 5057), Congress expressly removed the Peace Corps from being subject to Title VII of the Civil Rights Act and the other non-discrimination statutes. However, conforming amendments by ACTION (now subsumed by the Corporation for National and Community Service) were not made to 45 CFR part 1225 to remove references to the Peace Corps.

The Peace Corps Act (22 U.S.C. 2501, *et seq.*) establishes the Peace Corps and sets forth the requirements for program operations, including those for selecting volunteers. The Act states that ''except as provided in [the Act], volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. *In carrying out this subsection, there shall be no discrimination against any person on account of race, sex, creed, or color.*''

Because Peace Corps volunteers are not considered federal employees or otherwise in the service or employment of the United States for any purpose not specified in the Peace Corps Act, the regulations implementing Section 717 of the Civil Rights Act of 1964 (and other nondiscrimination policies and authorities), and the right to appeal to the Equal Employment Opportunity Commission, do not apply to volunteers.

These regulations were first promulgated to ensure that volunteers had a process to make complaints regarding discriminatory conduct proscribed by the Peace Corps Act and the Peace Corps' policy. The regulations are now being updated and revised to reflect current best practices.

These rules were last published in the **Federal Register** on January 6, 1981, and entered into effect on January 6, 1981, and appeared at 45 CFR part 1225, which was cross referenced in 22 CFR part 306.

Public Comments: The Peace Corps did not receive any public comments concerning this proposed joint rule.

Summary of Changes: The final joint rule makes adjustments for clarification and efficiency, streamlines the language of some procedural provisions, and makes the following key changes:

22 CFR Part 306

(1) *Purpose.* § 306.1 is a revision of 45 CFR 1225.1. It changes and expands the list of protected classes that can be considered as a basis for filing claims of discrimination, and includes the Peace Corps Inspector General as an additional avenue for filing claims of discrimination.

(2) *Policy.* § 306.2 is a revision of 45 CFR 1225.2. It amends the language setting forth how the Peace Corps will respond to cases in which discrimination was found and adds that Peace Corps staff members are required to participate in investigations.

(3) *Definitions.* § 306.3 is a revision of 45 CFR 1225.3. It expands the definition of ''volunteer'' to include persons who were sworn in as volunteers but are no longer in service; conforms changes to titles such as the Director of the Office of Civil Rights and Diversity (instead of E.O. Director); adds definitions for words used in the regulations, such as ''counselor'' and ''filing date''; and revises other definitions to reflect current roles and practices.

(4) *Coverage.* § 306.4 is a revision of 45 CFR 1225.4. It addresses the consolidation of claims under a single complaint, as well as complaints that fall under separate Peace Corps administrative processes. The revision clarifies that these regulations do not create any new rights of action or jurisdiction before U.S. courts.

(5) *Representation.* § 306.5 is a revision of 45 CFR 1225.5. It abridges the current section on representation and removes language that is no longer pertinent.

(6) *Freedom from retaliation.* § 306.6 is a restatement of 45 CFR 1225.6 with no significant changes other than changing the word reprisal to retaliation and consolidating a number of behaviors under the term retaliation.

(7) *Review of allegations of retaliation.* § 306.7 is a restatement of 45 CFR 1225.7, and it additionally grants the OCRD Director discretion in consolidating claims.

(8) *Pre-complaint procedure.* § 306.8 replaces the current 45 CFR 1225.8. It is a step-by-step explanation of the process followed when an individual files an initial complaint of discrimination, which is also known as the ''counseling'' or ''informal'' stage, and is geared toward reaching a mutual resolution between the complainant and the agency. The new section specifies timetables to be followed, responsibilities of specific agency officers, and notifications that need to be provided to the individual and to relevant staff.

(9) *Complaint procedure.* § 306.9 replaces the current 45 CFR 1225.9. It is a step-by-step explanation of the process to be followed when an individual files a formal complaint of discrimination, which involves an investigation and a final agency decision. The new section specifies standards for acceptance and dismissal, timetables to be followed, responsibilities of specific agency officers, and notifications that need to be provided to the individual and to relevant staff. It also outlines the timeframe and process for appealing a proposed final agency decision to the Director of the Peace Corps.

(10) *Corrective action.* § 306.10 is a restatement of 45 CFR 1225.10 with no changes other than removing a provision about attorney's fees. Sections 1225.11 through 1225.21 were stricken in their entirety.

45 CFR Part 1225

The edits are technical in nature. For example, they remove any references to the Peace Corps, the Director of Peace Corps, or the Peace Corps Act throughout the section, and replace references to ACTION with Corporation for Community and National Service (CNCS) and AmeriCorps and SeniorCorps.

Regulatory Certifications

Executive Orders 12866 and 13563—Regulatory Review

This regulation has been drafted and reviewed in accordance with E.O. 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation, and in accordance with E.O. 13563, ''Improving Regulation and Regulatory Review,'' section 1(b), General Principles of Regulation, and the Office of Management and Budget, Office of Information and Regulatory Affairs has determined it to be non-significant within the meaning of E.O. 12866. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in E.O. 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the E.O. of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017), supplemented by OMB's Memorandum titled ''Implementing E.O. 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs.' ''

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in E.O. 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 22 CFR Part 306 and 45 CFR Part 1225

Administrative practice and procedure, Aged, Civil rights, Individuals with disabilities, Political affiliation discrimination, Religious discrimination, Sex discrimination, Volunteers.

■ For the reasons set out in the preamble, the Peace Corps revises 22 CFR Part 306 as follows:

PART 306—VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Sec.

Subpart A. General Provisions

§ 306.1 Purpose.
§ 306.2 Policy.
§ 306.3 Definitions.
§ 306.4 Coverage.
§ 306.5 Representation.
§ 306.6 Freedom from retaliation.
§ 306.7 Review of allegations of retaliation.

Subpart B. Processing Individual Complaints of Discrimination

§ 306.8 Pre-complaint procedure.
§ 306.9 Complaint procedure.
§ 306.10 Corrective action.

Authority: 22 U.S.C. 2501 *et seq.*

PART 306—VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Subpart A—General Provisions

§ 306. Purpose.

The purpose of this part is to establish a procedure for the filing, investigation, and administrative determination of allegations of discrimination (including harassment) based on race, color, religion, sex, national origin, age (40 or over), disability or other bases provided for in applicable statutes, regulations or the Peace Corps Manual or history of participation in the Peace Corps discrimination complaint process which arise in connection with the recruitment, selection, placement, service, or termination of applicants, trainees, or volunteers. In addition, any Peace Corps applicant, trainee, or volunteer may submit an allegation of discrimination to the Peace Corps Office of Inspector General at any time, and the allegation will be processed in accordance with policy and procedures of the Office of Inspector General.

§ 306.2 Policy.

(a) In the recruitment, selection, placement, service, and termination of Peace Corps Trainees and Volunteers, it is the policy of the Peace Corps to provide equal opportunity for all persons and to prohibit discrimination based on race, color, religion, sex, national origin, age (40 or over), disability, and other bases provided for in applicable statutes, regulations or the Peace Corps Manual, or history of participation in the Peace Corps discrimination complaint process.

(b) It is the policy of the Peace Corps, upon a determination that such prohibited discrimination has occurred, to take appropriate corrective action to remedy the discrimination and to prevent its recurrence.

(c) It is the policy of the Peace Corps that all agency staff must cooperate in the investigation of a complaint. Volunteers and trainees are strongly encouraged to cooperate.

§ 306.3 Definitions.

Unless the context requires otherwise, in this part:

Applicant means a person who has submitted a completed application required for consideration of eligibility for Peace Corps Volunteer service. ''Applicant'' may also mean a person who alleges that the actions of agency personnel precluded them from submitting such an application or any other information reasonably required by the appropriate personnel as

necessary for a determination of the individual's eligibility for Volunteer service.

Complainant means an aggrieved applicant, trainee, or volunteer who believes they have been subject to prohibited discrimination and files a formal complaint.

Complaint means a written statement signed by a Complainant alleging prohibited discrimination and submitted to the OCRD Director, as described in § 306.9(a).

Counselor means an official designated by the OCRD Director to perform an informal inquiry focused on possible resolution as detailed in this Part.

Director means the Director of the Peace Corps.

File(d) Date means the date a Complaint is received by the appropriate agency official.

Final Agency Decision (FAD) means the Peace Corps' final written determination on a complaint.

OCRD Director means the Director of the Peace Corps' Office of Civil Rights and Diversity.

Prohibited discrimination means discrimination (including harassment) on the basis of race, color, religion, sex, national origin, age (40 or over), disability, or other bases provided for in applicable statutes, regulations or the Peace Corps Manual, or history of participation in the Peace Corps discrimination complaint process.

Trainee means a person who has accepted an invitation issued by the Peace Corps and has registered for Peace Corps staging.

Volunteer means a person who has taken the oath of service and been sworn in for Peace Corps service, whether or not this person is still in Peace Corps service.

§ 306.4 Coverage.

(a) Except as set out below, these procedures apply to all Peace Corps applicants, trainees, and volunteers.

(1) To the extent that a trainee or volunteer makes a complaint containing an allegation of prohibited discrimination in connection with conduct that constitutes sexual misconduct as defined in the Peace Corps' policy on volunteer sexual misconduct.

(2) When an applicant, trainee, or volunteer makes a complaint which contains an allegation of prohibited discrimination in connection with an early termination or other administrative procedure of the agency, only the allegation of prohibited discrimination will be processed under this part. At the discretion of the OCRD Director, additional allegations or claims material to the complaint may be consolidated with the discrimination complaint for processing under these regulations. Any issues which are not so consolidated will continue to be processed under those procedures pursuant to which they were originally raised.

(3) Complaints of retaliation in connection with allegations made under the Peace Corps Volunteer Confidentiality Protection policy shall be handled in accordance with that policy.

(b) The OCRD Director has the discretion to consolidate complaints from different applicants, Trainees, or Volunteers that allege common underlying facts and similar claims.

(c) These regulations do not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Coverage under these rules does not constitute acceptance by the agency or the United States Government of jurisdiction for judicial review.

§ 306.5 Representation.

Any aggrieved party may be assisted in all stages of these procedures under this Part by an attorney or non-staff representative of his or her own choosing at his or her own expense. An aggrieved party must immediately inform the agency if representation is retained.

§ 306.6 Freedom from retaliation.

Aggrieved parties, their representatives, and witnesses will be free from retaliation at any stage in the presentation and processing of a complaint under this section, including the counseling stage described in 306.8 of this Part, or any time thereafter.

§ 306.7 Review of allegations of retaliation.

(a) An aggrieved party, his or her representative, or a witness who alleges retaliation in connection with the presentation of a complaint under this part, may, if covered by this Part, request in writing that the allegation be reviewed as an act of discrimination subject to the procedures described in subpart B or that the allegation be considered as an issue in the complaint at hand. The determination whether to consider the complaint in the same or a separate proceeding is within the discretion of the OCRD Director.

Subpart B—Processing Individual Complaints of Discrimination

§ 306.8 Pre-complaint procedure.

(a) Any applicant, trainee or volunteer who believes that he or she has been subject to prohibited discrimination must bring such allegations to the attention of OCRD within 60 days of the alleged discrimination, at which point a Counselor will be assigned to attempt to resolve them.

(b) The pre-complaint procedure is intended to determine whether the concerns of the aggrieved party can be resolved to the mutual satisfaction of the aggrieved party and the agency without the filing of a formal complaint.

(c) The counselor serves as a neutral party, to gather a limited amount of information from the aggrieved party about his or her allegations, explain to the aggrieved party his or her rights, obtain information to determine the applicability of this regulation, and where appropriate, attempt an informal resolution among relevant parties.

(d) The amount of information that the counselor gathers from the agency is limited to information needed to reach an informal resolution to the mutual satisfaction of the aggrieved party and the agency.

(e) The counselor will keep a written record of his or her activities, which will be submitted to the OCRD Director as a counselor's report.

(f) To the extent necessary to reach an informal resolution, the counselor may reveal to relevant agency officials the identity of the aggrieved party. In the event that the aggrieved party requests that the Counselor not share his or her identity with agency officials, the Counselor will not reveal the identity of the aggrieved party (or information that could be used to easily identify the aggrieved party) outside of OCRD. If appropriate, the Counselor should explain to the aggrieved party that an informal resolution and/or the scope of relief available may be limited as a result of the request for anonymity.

(g) The pre-complaint process should be completed within 30 days, but the OCRD Director may extend the period upon request of the aggrieved party or the agency for good cause shown.

(h) If, after inquiry and counseling, an informal resolution to the allegation is not reached, the Counselor will notify the aggrieved party in writing of the right to file a formal complaint of discrimination with the OCRD Director within 30 calendar days of the aggrieved party's receipt of the notice.

(i) As an alternative to assignment of a Counselor as described above, the aggrieved party may ask for Alternative

Dispute Resolution as set out in the Peace Corps' policy. In such a case, the parties have 90 days to attempt in good faith to reach an informal resolution of the allegation. At any time during the course of Alternative Dispute Resolution, the aggrieved party or the Responsible Management Official (or their Supervisor), in consultation with the Office of the General Counsel, may terminate those proceedings.

§ 306.9 Complaint procedure.

(a) An applicant, trainee or volunteer who wishes to file a formal complaint must do so within 30 days of receiving the notice set out in 306.8(g) above, by filing a signed complaint in writing with OCRD. A complaint must set forth specifically:

(1) A detailed description, including names and dates, if possible, of the actions of the Peace Corps officials or other persons which resulted in the alleged prohibited discrimination;

(2) The manner in which the Peace Corps' action directly affected the complainant; and

(3) The relief sought.

(b) A complaint that does not conform to the above requirements will nevertheless be deemed to have been received by the OCRD, and the complainant will be notified of the steps necessary to correct the deficiencies of the complaint. The complainant will have 30 days from receipt of notification that the complaint is defective to submit an amended complaint.

(c) The OCRD Director must accept a complaint if the process set forth above has been followed, and the complaint states a covered claim of prohibited discrimination. The OCRD Director may extend the time limits set out above:

(1) When the complainant shows that they were not notified of the time limits and were not otherwise aware of them;

(2) The complainant shows that they were prevented by circumstances beyond their control from submitting the matter in a timely fashion; or

(3) For other reasons considered sufficient by the OCRD Director.

(d) At any time during the complaint procedure, the OCRD Director may dismiss a complaint based on the aggrieved party's failure to prosecute the complaint. However, this action may be taken only after:

(1) The OCRD Director has made a written request, including notice of the proposed dismissal, that the Complainant provide certain information or otherwise proceed with the complaint; and

(2) 30 days have elapsed since the sending of the request.

If the complaint is rejected for failure to meet one or more of the requirements set out in the procedure outlined in 306.8 or is dismissed, the OCRD Director will inform the aggrieved party in writing of this FAD, advising that the Peace Corps will take no further action.

(e) Upon acceptance of the complaint and receipt of the Counselor's report, the OCRD Director will provide for a prompt impartial investigation of the complaint. The OCRD may employ a Peace Corps employee or external party to conduct the investigation. If a Peace Corps employee is selected to investigate the complaint, the person assigned to investigate the complaint may not occupy a position in the agency which is, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The investigation will include a review of the circumstances under which the alleged discrimination occurred, and any other circumstances which may constitute, or appear to constitute, discrimination against the complainant.

(f) Agency officials responsible for providing information relating to the complaint to the investigator will be provided such information about the complaint as they may need in order to respond appropriately. For example, responding agency officials who have a need to know may be provided with information including the identity of the complainant and statements of the alleged discriminatory basis and adverse action.

(g) In cases where sensitive and/or protected information about applicants, trainees, or volunteers (other than the complainant) is requested or involved, agency officials may only disclose such information that is directly relevant to claim(s) being investigated, and must ensure that such information is handled in such a manner that the privacy of the applicants, trainees, or volunteers in question is fully protected, in accordance with the Peace Corps' policy on confidentiality of volunteer information.

(h) Every agency official responsible for providing information relating to the complaint to the investigator may at any point consult the Office of the General Counsel and/or his or her supervisor, unless the supervisor is alleged to have been involved in the conduct that is the subject of the complaint. Agency officials responsible for providing information to the investigator shall only provide information based on personal knowledge, and should not seek to align or conform his or her statement with that of another responding agency official.

(i) The investigator will compile a report of investigation (ROI) and forward the ROI to the OCRD Director. The OCRD Director will arrange for preparation of a draft FAD, which will be in writing, state the reasons underlying the decision, recommend corrective action if and as appropriate, and advise the complainant of the right to appeal the recommended FAD to the Peace Corps Director, or designee. To the extent feasible, this will be completed within 120 days of the filing of the complaint. However, the OCRD Director has discretion to extend the period.

(j) The OCRD Director will issue the proposed FAD to the complainant with a copy of the ROI.

(k) Within ten calendar days of receipt of such proposed FAD, the complainant may submit his or her appeal of the proposed disposition to the Peace Corps Director, or designee.

(l) The Peace Corps Director, or designee, will, to the extent feasible, decide the issue within 45 days of the date of receipt of the appeal. The claimant will be informed in writing of the decision and its basis and advised that it is the FAD regarding the complaint.

(m) Where a complainant does not submit a timely appeal pursuant to (k) above, the OCRD Director will issue the proposed FAD as the FAD.

(n) The OCRD Director will inform relevant management officials as to whether or not prohibited discrimination was found in the FAD.

§ 306.10 Corrective action.

When the agency's FAD states that the aggrieved party has been subjected to prohibited discrimination, the following corrective actions may be taken:

(a) Selection as a trainee for an otherwise qualified complainant found to have been denied selection based on prohibited discrimination.

(b) Reinstatement to volunteer service for a complainant found to have been early-terminated as a result of prohibited discrimination. To the extent possible, a terminated volunteer will be placed in the same position previously held. However, reinstatement to the specific country of prior service, or to the specific position previously held is contingent on programmatic considerations, including but not limited to the continued availability of the position or program in that country, and acceptance by the host country of such placement. If the same position is deemed to be no longer available, the aggrieved party will be offered reenrollment in a position in as similar as possible circumstances to the position previously held, or will be given interrupted service status. A

reenrollment may require a medical clearance and/or other clearances, and both additional training and an additional two year commitment to Volunteer service.

(c) Such other relief as may be deemed appropriate by the Peace Corps.

CORPORATION FOR NATIONAL COMMUNITY SERVICE

■ For the reasons set out in the preamble, the Corporation for National Community Service revises 45 CFR part 1225 to read as follows:

PART 1225—MEMBER AND VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Sec.

Subpart A. General Provisions

§ 1225.1 Purpose.
§ 1225.2 Policy.
§ 1225.3 Definitions.
§ 1225.4 Coverage.
§ 1225.5 Representation.
§ 1225.6 Freedom from reprisal.
§ 1225.7 Review of allegations of reprisal.

Subpart B. Processing Individual Complaints of Discrimination

§ 1225.8 Precomplaint procedure.
§ 1225.9 Complaint procedure.
§ 1225.10 Corrective action.
§ 1225.11 Amount of attorney fees.

Subpart C. Processing Class Complaints of Discrimination

§ 1225.12 Precomplaint procedure.
§ 1225.13 Acceptance, rejection or cancellation of a complaint.
§ 1225.14 Consolidation of complaints.
§ 1225.15 Notification and opting out.
§ 1225.16 Investigation and adjustment of complaint.
§ 1225.17 Agency decision.
§ 1225.18 Notification of class members of decision.
§ 1225.19 Corrective action.
§ 1225.20 Claim appeals.
§ 1225.21 Judicial review.

Authority: 42 U.S.C. 5057(d), 12635(d), and 12651(c).

Subpart A—General Provisions

§ 1225.1 Purpose.

The purpose of this part is to establish a procedure for the filing, investigation, and administrative determination of allegations of discrimination based on race, color, national origin, religion, age, sex, disability or political affiliation, which arise in connection with the recruitment, selection, placement, service, or termination of AmeriCorps and AmeriCorps Seniors applicants, candidates, Members and Volunteers for part time and full time service, as appropriate.

§ 1225.2 Policy.

It is the policy of the Corporation for National and Community Service (CNCS) to provide equal opportunity in all its national service programs for all persons and to prohibit discrimination based on race, color, national origin, religion, age, sex, disability or political affiliation in the recruitment, selection, placement, service, and termination of AmeriCorps and AmeriCorps Seniors applicants, candidates, Members and Volunteers. It is the policy of CNCS, upon determining that such prohibited discrimination has occurred, to take all necessary corrective action to remedy the discrimination, and to prevent its recurrence.

§ 1225.3 Definitions.

Unless the context requires otherwise, in this part:

Agent means a class member who acts for the class during the processing of a class complaint. In order to be accepted as the agent for a class complaint, in addition to those requirements of a complaint found in § 1225.3, the complaint must meet the requirements for a class complaint as found in subpart C of this part.

AmeriCorps member means a person who serves in a national service position for which a Segal AmeriCorps Education Award could be provided.

AmeriCorps Seniors Volunteer means a person who serves as a volunteer through a program funded under Title II of the DVSA, including the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

Applicant means a person who has submitted a completed application required for consideration of eligibility for CNCS national service as a member or volunteer. *Applicant* may also mean a person who alleges that the actions of recipient or subrecipient organization staff, or agency personnel precluded him or her from submitting such an application or any other information reasonably required by CNCS as necessary for a determination of the individual's eligibility for national service.

Candidate means a person who has accepted an offer to commence service as a member or volunteer but has not yet enrolled for service in a CNCS national service program.

CEO means the Chief Executive Officer of CNCS. The term shall also refer to any designee of the CEO.

Complaint means a written statement signed by the complainant and submitted to the EEOP Director. A complaint shall set forth specifically and in detail:

(1) A description of the management policy or practice during the application stage as an applicant, during the candidacy stage as a candidate, or during the service stage as a member or volunteer, if any, giving rise to the complaint;

(2) A detailed description including names and dates, if possible, of the actions of CNCS, recipients or subrecipients of CNCS assistance or resources, or the officials of those recipients or subrecipients, which resulted in the alleged illegal discrimination;

(3) The manner in which the action of CNCS, or the CNCS recipient or subrecipient, directly affected the complainant; and

(4) The relief sought.

(5) A complaint shall be deemed filed on the date it is received by the appropriate agency official. When a complaint does not conform with the above definition, it shall nevertheless be accepted. The complainant shall be notified of the steps necessary to correct the deficiencies of the complaint. The complainant shall have 30 days from his or her receipt of notification of the complaint defects to resubmit an amended complaint.

Counselor means an official designated by the EEOP Director to perform the functions of conciliation as detailed in this part.

EEOP Director means the Director of the Equal Employment Opportunity Program of CNCS. The term shall also refer to any designee of the EEOP Director.

Illegal discrimination means discrimination on the basis of race, color, national origin, religion, age, sex, disability or political affiliation as defined in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*); Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791, *et seq.*); the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), Section 175 of the National and Community Service Act of 1990, as amended, and Section 5057 of the Domestic Volunteer Service Act of 1973, as amended. Further clarification of the scope of matters covered by this definition may be obtained by referring to the following regulations: Sex Discrimination: 29 CFR part 1604; Religious Discrimination: 29 CFR part 1605; National Origin Discrimination: 29 CFR part 1606; Age Discrimination: 45 CFR part 90; Disability Discrimination: 29 CFR part 1630.

§ 1225.4 Coverage.

(a) These procedures apply to all CNCS national service applicants, candidates, members and volunteers

throughout their term of service with CNCS, or with recipients and subrecipients of CNCS assistance or resources. When an applicant, candidate, member or volunteer makes a complaint which contains an allegation of illegal discrimination in connection with an action that would be otherwise be processed under a grievance, early termination, or other administrative system of the agency, the allegation of illegal discrimination shall be processed under this part. At the discretion of the EEOP Director, any other issues raised may be consolidated with the discrimination complaint for processing under these regulations. Any issues which are not so consolidated shall continue to be processed under those procedures in which they were originally raised.

(b) The submission of class complaints alleging illegal discrimination as defined above will be handled in accordance with the procedure outlined in subpart C.

§ 1225.5 Representation.

Any aggrieved party may be represented and assisted in all stages of these procedures by an attorney or representative of his or her own choosing. An aggrieved party must immediately inform the agency if counsel is retained. Attorney fees or other appropriate relief may be awarded in the following circumstances;

(a) *Informal adjustment of a complaint.* An informal adjustment of a complaint may include an award of attorney fees or other relief deemed appropriate by the EEOP Director. Where the parties agree on an adjustment of the complaint, but cannot agree on whether attorney fees or costs should be awarded, or on their amount, this issue may be appealed to the CEO, or their designee, in the manner detailed in § 1225.11.

(b) *Final agency decision.* When discrimination is found, the CEO, or their designee, shall advise the complainant that any request for attorney fees or costs must be documented and submitted for review within 20 calendar days after his or her receipt of the final agency decision. The amount of such awards shall be determined under § 1225.11. In the unusual situation in which it is determined not to award attorney fees or other costs to a prevailing complainant, the CEO, or their designee, in his or her final decision shall set forth the specific reasons thereof.

§ 1225.6 Freedom from reprisal.

Aggrieved parties, their representatives, and witnesses will be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of a complaint, including the counseling stage described in § 1225.8, or any time thereafter.

§ 1225.7 Review of allegations of reprisal.

An aggrieved party, his or her representative, or a witness who alleges restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of a complaint under this part, may if covered by this part, request in writing that the allegation be reviewed as an individual complaint of discrimination subject to the procedures described in subpart B or that the allegation be considered as an issue in the complaint at hand.

Subpart B—Processing Individual Complaints of Discrimination

§ 1225.8 Precomplaint procedure.

(a) An aggrieved person who believes that he or she has been subject to illegal discrimination shall bring such allegations to the attention of the appropriate Counselor within 30 days of the alleged discrimination to attempt to resolve them. Aggrieved applicants, candidates, members, and volunteers applying for, or enrolled in programs operated by CNCS, or by recipients or subrecipients of CNCS assistance or resources, shall direct their allegations to the designated counselor.

(b) Upon receipt of the allegation, the counselor or designee shall make whatever inquiry is deemed necessary into the facts alleged by the aggrieved party and shall counsel the aggrieved party for the purpose of attempting an informal resolution agreeable to all parties. The counselor will keep a written record of his or her activities which will be submitted to the EEOP Director if a formal complaint concerning the matter is filed.

(c) If after such inquiry and counseling an informal resolution to the allegation is not reached, the counselor shall notify the aggrieved party in writing of the right to file a complaint of discrimination with the EEOP Director within 15 calendar days of the aggrieved party's receipt of the notice.

(d) The counselor shall not reveal the identity of the aggrieved party who has come to him or her for consultation, except when authorized to do so by the aggrieved party. However, the identity of the aggrieved party may be revealed once the agency has accepted a complaint of discrimination from the aggrieved party.

§ 1225.9 Complaint procedure.

(a) The EEOP Director must accept a complaint if the process set forth above has followed, and the complaint states a charge of illegal discrimination. The agency will extend the time limits set herein:

(1) When the complainant shows that he or she was not notified of the time limits and was not otherwise aware of them, or

(2) The complainant shows that he or she was prevented by circumstances beyond his or her control from submitting the matter in a timely fashion, or

(3) For other reasons considered sufficiently by the agency. At any time during the complaint procedure, the EEOP Director may cancel a complaint because of failure of the aggrieved party to prosecute the complaint. If the complaint is rejected for failure to meet one or more of the requirements set out in the procedure outlined in § 1225.8 or is cancelled, the EEOP Director shall inform the aggrieved party in writing of this final agency decision: That CNCS will take no further action; and of the right, to file a civil action as described in § 1225.21.

(b) Upon acceptance of the complaint and receipt of the counselor's report, the EEOP Director shall provide for the prompt investigation of the complaint. Whenever possible, the person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, and any other circumstances which may constitute, or appear to constitute discrimination against the complainant. The investigator shall compile an investigative file, which includes a summary of the investigation, recommended findings of fact and a recommended resolution of the complaint. The investigator shall forward the investigative file to the EEOP Director and shall provide the complainant with a copy.

(c) The EEOP Director shall review the complaint file including any additional statements provided by the complainant, make findings of fact, and shall offer an adjustment of the complaint if the facts support the complaint. If the proposed adjustment is agreeable to all parties, the terms of the adjustment shall be reduced to writing, signed by both parties, and made part of the complaint file. A copy of the terms of the adjustment shall be provided to the complainant. If the proposed

adjustment of the complaint is not acceptable to the complainant, or the EEOP Director determines that such an offer is inappropriate, the EEOP Director shall forward the complaint file with a written notification of the findings of facts, and his or her recommendations of the proposed disposition of the complaint to the CEO or their designee. The aggrieved party shall receive a copy of the notification and recommendation and shall be advised of the right to appeal the recommended disposition to the CEO or their designee. Within ten (10) calendar days of receipt of such notice the complainant may submit his or her appeal of the recommended disposition to the CEO or their designee.

(d) If no timely notice of appeal is received from the aggrieved party, the CEO or their designee may adopt the proposed disposition as the Final Agency Decision. If the aggrieved party appeals, the CEO, or a designee who has been delegated authority to issue such a decision, after review of the total complaint file, shall issue a decision to the aggrieved party. The decision of the CEO, or their designee, shall be in writing, state the reasons underlying the decision, shall be the Final Agency Decision, shall inform the aggrieved party of the right to file a civil action as described in § 1225.21, and, if appropriate, designate the procedure to be followed for the award of attorney fees or costs.

§ 1225.10 Corrective action.

When it has been determined by final agency decision that the aggrieved party has been subjected to illegal discrimination, the following corrective actions may be taken:

(a) Selection as a member or volunteer for aggrieved parties found to have been denied selection based on prohibited discrimination.

(b) Reappointment to national service for aggrieved parties found to have been early-terminated as a result of prohibited discrimination. To the extent possible, a member or volunteer will be placed in the same position previously held. However, reassignment to the specific position previously held is contingent on several programmatic considerations such as the continued availability of the position. If the same position is deemed to be no longer available, the aggrieved party will be offered a reassignment to a position in as similar circumstances to the position previously held, or to resign from service for reasons beyond his or her control. Such a reassignment may require both additional training and an additional commitment to national service.

(c) Provision for reasonable attorney fees and other costs incurred by the aggrieved party.

(d) Such other relief as may be deemed appropriate by the CEO or their designee.

§ 1225.11 Amount of attorney fees.

(a) When a decision of the agency provides for an award of attorney's fees or costs, the complainant's attorney shall submit a verified statement of costs and attorney's fees as appropriate, to the agency within 20 days of receipt of the decision. A statement of attorney's fees shall be accompanied by an affidavit executed by the attorney of record itemizing the attorney's charges for legal services. Both the verified statement and the accompanying affidavit shall be made a part of the complaint file. The amount of attorney's fees or costs to be awarded the complainant shall be determined by agreement between the complainant, the complainant's representative and the CEO or their designee. Such agreement shall immediately be reduced to writing. If the complainant, the representative and the agency cannot reach an agreement on the amount of attorney's fees or costs within 20 calendar days of receipt of the verified statement and accompanying affidavit, the CEO or their designee shall issue a decision determining the amount of attorney fees or costs within 30 calendar days of receipt of the statement and affidavit. Such decision shall include the specific reasons for determining the amount of the award.

(b) The amount of attorney's fees shall be made in accordance with the following standards: The time and labor required, the novelty and difficulty of the questions, the skills requisite to perform the legal service properly, the preclusion of other employment by the attorney due to acceptance of the case, the customary fee, whether the fee is fixed or contingent, time limitation imposed by the client or the circumstances, the amount involved and the results obtained, the experience, reputation, and ability of the attorney, the undesirability of the case, the nature and length of the professional relationship with the client, and the awards in similar cases.

Subpart C—Processing Class Complaints of Discrimination

§ 1225.12 Precomplaint procedure.

An applicant, candidate, member or volunteer who believes that he or she is among a group of present or former CNCS national service applicants, candidates, members or volunteers, who have been illegally discriminated against and who wants to be an agent for the class shall follow those precomplaint procedures outlined in § 1225.8.

§ 1225.13 Acceptance, rejection or cancellation of a complaint.

(a) Upon receipt of a class complaint, the counselor's report, and any other information pertaining to timeliness or other relevant circumstances related to the complaint, the EEOP Director shall review the file to determine whether to accept or reject the complaint, or a portion thereof, for any of the following reasons:

(1) It was not timely filed;

(2) It consists of an allegation which is identical to an allegation contained in a previous complaint filed on behalf of the same class which is pending in the agency or which has been resolved or decided by the agency;

(3) It is not within the purview of this subpart;

(4) The agent failed to consult a Counselor in a timely manner;

(5) It lacks specificity and detail;

(6) It was not submitted in writing or was not signed by the agent;

(7) It does not meet the following prerequisites.

(i) The class is so numerous that a consolidated complaint of the members of the class is impractical;

(ii) There are questions of fact common to the class;

(iii) The claims of the agent of the class are representative of the claims of the class;

(iv) The agent of the class, or his or her representative will fairly and adequately protect the interest of the class.

(b) If an allegation is not included in the counselor's report, the EEOP Director shall afford the agent 15 calendar days to explain whether the matter was discussed and if not, why he or she did not discuss the allegation with the counselor. If the explanation is not satisfactory, the EEOP Director may decide to reject the allegation. If the explanation is not satisfactory, the EEOP Director may require further counseling of the agent.

(c) If an allegation lacks specificity and detail, or if it was not submitted in writing or not signed by the agent, the EEOP Director shall afford the agent 30 days from his or her receipt of notification of the complaint defects to resubmit an amended complaint. The EEOP Director may decide that the agency reject the complaint if the agent fails to provide such information within the specified time period. If the information provided contains new

allegations outside the scope of the complaint, the EEOP Director must advise the agent how to proceed on an individual or class basis concerning these allegations.

(d) The EEOP Director may extend the time limits for filing a complaint and for consulting with a Counselor when the agent, or his or her representative, shows that he or she was not notified of the prescribed time limits and was not otherwise aware of them or that he or she was prevented by circumstances beyond his or her control from acting within the time limit.

(e) When appropriate, the EEOP Director may determine that a class be divided into subclasses and that each subclass be treated as a class, and the provisions of this section than shall be construed and applied accordingly.

(f) The EEOP Director may cancel a complaint after it has been accepted because of failure of the agent to prosecute the complaint. This action may be taken only after:

(1) The EEOP Director has provided the agent a written request, including notice of proposed cancellation, that he or she provide certain information or otherwise proceed with the complaint; and

(2) Within 30 days of his or her receipt of the request.

(g) An agent must be informed by the EEOP Director in a request under paragraphs (b) or (c) of this section that his or her complaint may be rejected if the information is not provided.

§ 1225.14 Consolidation of complaints.

The EEOP Director may consolidate the complaint if it involves the same or sufficiently similar allegations as those contained in a previous complaint filed on behalf of the same class which is pending in the agency or which had been resolved or decided by the agency.

§ 1225.15 Notification and opting out.

(a) Upon acceptance of a class complaint, the agency, within 30 calendar days, shall use reasonable means such as delivery, mailing, distribution, or posting, to notify all class members of the existence of the class complaint.

(b) A notice shall contain:

(1) The name of the agency or organizational segment thereof, its location and the date of acceptance of the complaint:

(2) A description of the issues accepted as part of the class complaint;

(3) An explanation that class members may remove themselves from the class by notifying the agency within 30 calendar days after issuance of the notice; and

(4) An explanation of the binding nature of the final decision or resolution of the complaint.

§ 1225.16 Investigation and adjustment of complaint.

The complaint shall be processed promptly after it has been accepted. Once a class complaint has been accepted, the procedure outlined in 1225.9 of this part shall apply.

§ 1225.17 Agency decision.

(a) If an adjustment of the complaint cannot be made, the procedures outlined in 1225.9 shall be followed by the EEOP Director except that any notice required to be sent to the aggrieved party shall be sent to the agent of the class or his or her representative.

(b) The final agency decision on a class complaint shall be binding on all members of the class.

§ 1225.18 Notification of class members of decision.

Class members shall be notified by the agency of the final agency decision and corrective action, if any, using at the minimum, the same media employed to give notice of the existence of the class complaint. The notice, where appropriate, shall include information concerning the rights of class members to seek individual relief and of the procedures to be followed. Notice shall be given by the Agency within ten (10) calendar days of the transmittal of its decision to the agent.

§ 1225.19 Corrective action.

(a) When discrimination is found. CNCS, or the recipient or subrecipient of CNCS assistance or resources, as appropriate, must take appropriate action to eliminate or modify the policy or practice out of which such discrimination arose, and provide individual corrective action to the agent and other class members in accordance with § 1225.10.

(b) When discrimination is found and a class member believes that but for that discrimination he or she would have been accepted as a member or volunteer or received some other volunteer service benefit, the class member may file a written claim with the EEOP Director within thirty (30) calendar days of notification by the agency of its decision.

(c) The claim must include a specific, detailed statement showing that the claimant is a class member who was affected by an action or matter resulting from the discriminatory policy or practice which arose not more than 30 days preceding the filing of the class complaint.

(d) The Agency shall attempt to resolve the claim within sixty (60) calendar days after the date the claim was postmarked, or in the absence of a postmark, within sixty (60) calendar days after the date it was received by the EEOP Director.

§ 1225.20 Claim appeals.

(a) If the EEOP Director and claimant do not agree that the claimant is a member of the class, or upon the relief to which the claimant is entitled, the EEOP Director shall refer the claim, with recommendations concerning it, to the CEO or their designee for a Final Agency Decision and shall so notify the claimant. The class member may submit written evidence to the CEO or their designee concerning his or her status as a member of the class. Such evidence must be submitted no later than ten (10) calendar days after receipt of referral.

(b) The CEO or their designee shall decide the issue within thirty (30) days of the date of referral by the EEOP Director. The claimant shall be informed in writing of the decision and its basis and that it will be the Final Agency Decision of the issue.

§ 1225.21 Judicial review.

(a) An applicant, candidate, member or volunteer is authorized to file a civil action in an appropriate U.S. District Court:

(1) Within thirty (30) calendar days of his or her receipt of the notice of final action taken by the agency; or

(2) After one hundred eighty (180) calendar days from the date of filing a formal discrimination complaint with the agency if there has been no final agency action.

Dated: May 13, 2021.

Fernando Laguarda,

General Counsel of the Corporation for National and Community Service.

Carl Taylor,

Acting General Counsel of the Peace Corps.

[FR Doc. 2021–11284 Filed 6–4–21; 8:45 am]

BILLING CODE 6051–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0199]

RIN 1625–AA00

Safety Zones; July 4th Holiday Fireworks in the Coast Guard Captain of the Port Maryland-National Capital Region Zone

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones for navigable waters within the Captain of the Port Maryland-National Capital Region Zone. This action is necessary to provide for the safety of life on these navigable waters of the Severn River in Anne Arundel County, MD, on July 3, 2021, (with alternate date of July 5, 2021), Kent Island Narrows (North Approach) in Queen Anne's County, MD, on July 4, 2021, (with alternate date of July 5, 2021), and Susquehanna River in Harford County, MD, on July 4, 2021, (with alternate date of July 5, 2021), during fireworks displays to commemorate the July 4th holiday. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 8:30 p.m. on July 3, 2021 through 11 p.m. on July 5, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0199 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 Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Fifth Coast Guard District has been been notified of three fireworks displays planned throughout the Maryland-National Capital Region to commemorate the July 4th holiday. In response, on May 10, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Safety Zones; July 4th Holiday Fireworks in the Coast Guard Captain of the Port Maryland-National Capital Region Zone'' (86 FR 24807). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to these fireworks displays. During the comment period that ended May 25, 2021, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the fireworks displays.

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 Maryland-National Capital Region (COTP) has determined that potential hazards associated with the fireworks to be used in these July 3, 2021 and July 4, 2021 displays will be a safety concern for anyone approaching the fireworks discharge sites. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zones before, during, and after the scheduled events.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 10, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes three temporary safety zones for certain navigable waters within the COTP Maryland-National Capital Region Zone, as described in 33 CFR 3.25–15, and will be enforced during the times described below for each zone.

The first safety zone will be enforced from 8:30 p.m. to 10:30 p.m. on July 3, 2021, or if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Severn River, within 150 yards of a fireworks discharge site located at the end of Sherwood Forest Club main pier in approximate position latitude 39°01′54.0″ N, longitude 076°32′41.8″ W, Sherwood Forest, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:20 p.m. to 9:50 p.m. on July 3, 2021 fireworks display.

The second safety zone will be enforced from 9 p.m. to 11 p.m. on July 4, 2021, or if necessary due to inclement weather, from 9 p.m. to 11 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Kent Island Narrows (North Approach), within 800 feet of the fireworks launch site at Kent Island in approximate position latitude 38°58′44.8″ N, longitude 076°14′52.9″ W, in Queen Anne's County, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 p.m. to 10:20 p.m. on July 4, 2021 fireworks display.

The third safety zone will be enforced from 8:30 p.m. to 10:30 p.m. on July 4, 2021, or if necessary due to inclement weather, from 8:30 p.m. to 10:30 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Susquehanna River within 200 yards of a barge in approximate position latitude 39°32′19″ N, longitude 076°04′58.3″ W, located at Havre de Grace, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:30 to 10 p.m. on July 4, 2021 fireworks display.

No vessel or person will be permitted to enter these safety zones without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, duration, and time-of-

day of the safety zones, which will impact small designated areas of the Severn River, Kent Island Narrows (North Approach), and Susquehanna River for a total no more than six total enforcement-hours, during the evening when vessel traffic is normally low. Moreover, the Coast Guard will issue Local Notices to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0199 to read as follows:

§ 165.T05–0199 Safety Zones; July 4th Holiday Fireworks in the Coast Guard Captain of the Port Maryland-National Capital Region Zone.

(a) *Locations.* The following areas are a safety zone. These coordinates are based on datum NAD 83.

(1) *Safety Zone 1.* All waters of the Severn River, within 150 yards of a fireworks discharge site located at the end of Sherwood Forest Club main pier in approximate position latitude 39°01′54.0″ N, longitude 076°32′41.8″ W, Sherwood Forest, MD.

(2) *Safety Zone 2.* All navigable waters of the Kent Island Narrows (North Approach), within 800 feet of the fireworks launch site at Kent Island in approximate position latitude 38°58′44.8″ N, longitude 076°14′52.9″ W, in Queen Anne's County, MD.

(3) *Safety Zone 3.* All navigable waters of the Susquehanna River within 200 yards of a barge in approximate position latitude 39°32′19″ N, longitude 076°04′58.3″ W, located at Havre de Grace, MD.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement periods.* (1) Paragraph (a)(1) of this section will be enforced from 8:30 p.m. to 10:30 p.m. on July 3, 2021. If necessary due to inclement weather on July 3, 2021, it will be enforced from 8:30 p.m. to 10:30 p.m. on July 5, 2021.

(2) Paragraph (a)(2) of this section will be enforced from 9 p.m. to 11 p.m. on July 4, 2021. If necessary due to inclement weather on July 4, 2021, it will be enforced from 9 p.m. to 11 p.m. on July 5, 2021.

(3) Paragraph (a)(3) of this section will be enforced from 8:30 p.m. to 10:30 p.m. on July 4, 2021. If necessary due to inclement weather on July 4, 2021, it will be enforced from 8:30 p.m. to 10:30 p.m. on July 5, 2021.

Dated: June 1, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–11825 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0388]

Safety Zone; Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The notice of enforcement of regulation published May 5, 2021 in the **Federal Register**, is rescinded and replaced by this notice of enforcement of regulation. The Coast Guard will enforce safety zone regulations for the Tacoma Freedom Fair Air Show on Commencement Bay from 2 p.m. on July 2 through 12:30 a.m. on July 4, 2021. This action is necessary to ensure the safety of the public from inherent dangers associated with the annual aerial displays. During the enforcement periods, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port Sector Puget Sound or her designated representative.

DATES: The regulations in 33 CFR 165.1305 will be enforced from 2 p.m. on July 2 through 12:30 a.m. on July 4, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Peter J. McAndrew, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6045, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The notice of enforcement of regulation in docket number USCG–2021–0304 is rescinded and replaced by this notice of enforcement of regulation. The Coast Guard is amending the enforcement period and will now enforce the safety zone in 33 CFR 165.1305 from 2 p.m. on July 2 through 12:30 a.m. on July 4, 2021 unless the COTP of Puget Sector Sound grants general permission to enter the regulated area during these stated enforcement periods. This action is being taken to provide for the safety of life on navigable waterways during the aerial demonstrations above the waterway.

The safety zone resembles a rectangle protruding from the shoreline along Ruston Way and will be marked by the event sponsor. The specific coordinates of the safety zone location are listed in 33 CFR 165.1305.

As specified in § 165.1305(c), during the enforcement periods, no vessel may transit the regulated area without approval from the COTP or a COTP designated representative. The COTP may be assisted by other federal, state, and local law enforcement agencies in enforcing this regulation.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts during the day of the event. If the COTP determines that the safety zone need not be enforced for the full duration stated in the notice of enforcement, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: May 27, 2021.

P.M. Hilbert,

Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.

[FR Doc. 2021–11882 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0350]

RIN 1625–AA00

Safety Zone; Charlevoix Graduation Fireworks, Lake Charlevoix, East Jordan, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-foot radius of a fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by repair work on the bridge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Sainte Marie.

DATES: This rule is effective from 10 p.m. on June 12, 2021, through 11 p.m. on June 12, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0350 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 LT Deaven Palenzuela, U.S. Coast Guard Sector Sault Sainte Marie Waterways Management, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@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 doing so would be impracticable. The Coast Guard did not receive sufficient notice of this event to undergo notice and comment and this safety zone must be established by June 12, 2021 in order to protect the public from the dangers associated with a fireworks display.

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 impracticable because action is needed to ensure that the potential safety hazards associated with the fireworks display are effectively mitigated.

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 Sault Sainte Marie (COTP) has determined that potential hazards associated with a fireworks display on June 12, 2021 will be a safety concern for anyone within a 500-foot radius of the navigable waters surrounding the fireworks launch site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 10 p.m. until 11 p.m. on June 12, 2021. The safety zone will cover all navigable waters within 500 feet of a fireworks display in Lake Charlevoix near East Jordan, MI. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the bridge is being repaired. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of Lake Charlevoix. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 1 hour that will prohibit entry within a 500-foot radius of a fireworks display in Lake Charlevoix. It is categorically excluded from further review under paragraph L[60(a)] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0350 to read as follows:

§ 165.T09–0350 Charlevoix Graduation Fireworks Lake Charlevoix, East Jordan, MI.

(a) *Location.* The following area is a safety zone: All navigable water within 500 feet of the fireworks launching location in position 45°09′14.82″ N 85°07′59.39″ W (NAD 83)

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sault Sainte Marie (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his designated representative.

(2) Before a vessel operator may enter or operate within the safety zone, they must obtain permission from the Captain of the Port, Sault Sainte Marie, or his designated representative via VHF Channel 16 or telephone at (906) 635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all orders given to them by the Captain of the Port, Sault Sainte Marie or his designated representative.

(d) *Enforcement period.* This section will be enforced from 10 p.m. through 11 p.m. on June 12, 2021.

Dated: June 1, 2021

A.R. Jones,

Captain of the Port Sault Sainte Marie.

[FR Doc. 2021–11832 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 5

RIN 2900–AR21

Changes to Administrative Procedures Governing Guidance Documents

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations that govern the processes and procedures for issuing and managing guidance documents. These changes are necessary because an Executive order (E.O.) entitled ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' under which the regulations were originally issued, has been rescinded by an E.O. entitled ''Revocation of Certain Executive Orders Concerning Federal Regulation.'' This final rulemaking will implement changes to ensure that the processes and procedures comply with the mandates of the E.Os. entitled ''Revocation of Certain Executive Orders Concerning Federal Regulation'' and ''Regulatory Planning and Review,'' while also maintaining certain beneficial practices.

DATES: This rule is effective July 7, 2021.

FOR FURTHER INFORMATION CONTACT: Jeffrey Martin, Office of Regulation Policy and Management (00REG), 810 Vermont Avenue NW, Washington, DC 20420, (202) 230–6402. (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: On November 13, 2020 (85 FR 72569), VA promulgated regulations in 38 CFR part 5 that established processes and procedures for issuing and managing guidance documents in accordance with E.O. 13891, Promoting the Rule of Law Through Improved Agency Guidance Documents. However, E.O. 13891 was rescinded by E.O. 13992, Revocation of Certain Executive Orders Concerning Federal Regulation, which directed agencies to ''promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing'' the rescinded E.O. With E.O. 13891 rescinded, there is no requirement that VA have regulations that govern guidance documents. However, some of the requirements and processes contained in the regulations serve useful functions and are worth maintaining. Additionally, VA's practices for guidance documents are still expected to comply with E.O. 12866, Regulatory Planning and Review. Therefore, to ensure VA's practices regarding guidance documents comply with both E.O. 12866 and E.O. 13992, and continue certain beneficial practices, we make the following changes to the regulations in part 5.

Authority

We are removing the citation to E.O. 13891 in the authority for part 5 and replacing it with a citation to E.O. 12866.

Section 5.0 Purpose.

Section 5.0 is being amended by removing the language that discusses E.O. 13891.

Section 5.10 Definitions relating to guidance documents.

Section 5.10 is the definitions section. The section generally tracks the requirements that were outlined in E.O. 13891, as applied to VA. However, we are not making any changes to this section. We note that the definition of ''guidance document'' in § 5.10 largely correlates with the definition of ''rule'' from E.O. 12866, and the criteria for what makes a guidance document ''significant'' are substantively the same as the criteria for rules under E.O. 12866.

Section 5.15 Procedures for issuing guidance documents.

Section 5.15 contains procedures for issuing guidance documents. Paragraph (a) applies to all guidance documents, while paragraph (b) is specific to significant guidance documents.

We are changing paragraph (a)(1) to state that each guidance document should include a disclaimer that the document does not have the force and effect of law and is not meant to bind the public in any way, rather than requiring such disclaimers to be included. This disclaimer is not required by E.O. 12866, and removing its requirement will minimize litigation risks associated with technical noncompliance. However, we are not entirely eliminating the use of the disclaimer because we believe it serves a beneficial purpose of clarifying the scope and limitations of guidance documents.

As with paragraph (a)(1), we are changing paragraph (a)(2) to state that each guidance document should include the listed information, rather than requiring the information to be included. We believe this change will provide a measure of standardization to guidance documents without requiring significant additional work and will also minimize litigation risks associated with technical noncompliance.

For paragraph (b), as with paragraphs (a)(1) and (2), we are changing the language to state that significant guidance documents should contain the disclaimer and listed information from paragraph (a), rather than requiring that they do so.

We are removing paragraph (b)(1) and renumbering the remaining paragraphs accordingly. This change will remove the requirement to conduct notice-and-comment procedures when issuing significant guidance documents. We acknowledge that providing the public an opportunity to participate in the process of issuing guidance documents would track the requirements from section 6(a)(1) of E.O. 12866 that agencies provide the public meaningful participation and an opportunity to comment on proposed regulations. However, guidance documents are not regulations, and requiring notice-and-comment procedures is an onerous process that is not required by any law or other authority. Further, there are already less burdensome methods of allowing public participation. For example, § 5.20 creates a process for the public to petition for withdrawal or modification of guidance documents.

In redesignated paragraph (b)(1), we are removing the reference to E.O. 13891. And in redesignated paragraph (b)(3), we are removing the reference to E.Os. 13771 and 13777 as they have also been rescinded by E.O. 13992. We are also removing the phrase ''for regulations and rules,'' because as noted above, guidance documents are not regulations and thus are not subject to the same processes and requirements as regulations.

Section 5.20 Procedures for petition for the withdrawal or modification of a guidance document.

Section 5.20 contains a process for the public to petition for the withdrawal or modification of guidance documents, including the minimum amount of information that must be included in a petition. Although not mandated by any law or other authority, we are generally keeping this process in place as it is consistent with E.O. 12866's focus on allowing public participation. However, to permit the Department increased flexibility in responding to petitions, we are changing the 90-day time limit to respond in paragraph (c) from a requirement to a goal that the agency will seek to meet.

Section 5.25 Guidance website.

Section 5.25 will continue to provide notice of the Department's guidance document website. However, we are removing the second sentence from this section. This will remove the reference to E.O. 13891. Additionally, this will remove the limitation on how the agency may use guidance documents not available on the website to increase the agency's flexibility in utilizing guidance documents.

Administrative Procedure Act

The Secretary of Veterans Affairs is publishing this rule without prior opportunity for public comment pursuant to 5 U.S.C. 553(b)(A) as this rule is a rule of agency organization, procedure, or practice, and thus is published as a final rule.

Paperwork Reduction Act

This 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. The regulations established by this rulemaking do not impose burdens or otherwise regulate the activities of any entities outside of VA. 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 Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 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 (OIRA) has determined that this rule is not a significant regulatory action under E.O. 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

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 would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

There are no Catalog of Federal Domestic Assistance numbers and titles for this rule.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), OIRA

designated this rule as not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 5

Administrative practice and procedure.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on April 15, 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.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 5 as follows:

PART 5—ADMINISTRATIVE PROCEDURES: GUIDANCE DOCUMENTS

■ 1. The authority citation for part 5 is revised to read as follows:

Authority: 38 U.S.C. 501; E.O. 12866, 58 FR 51735, 3 CFR, 1993 Comp., p. 638.

■ 2. Revise § 5.0 to read as follows:

§ 5.0 Purpose.

This part provides the Department of Veterans Affairs' (VA's) processes and procedures for issuing and managing guidance documents.

■ 3. Amend § 5.15 as follows:

■ a. Revise the first sentence of paragraph (a)(1);

■ b. Revise the introductory text of paragraph (a)(2);

■ c. Revise paragraph (a)(2)(vii);

■ d. Remove paragraph (a)(2)(viii);

■ e. Redesignate paragraph (a)(2)(ix) as paragraph (a)(2)(viii);

■ f. Revise the introductory text of paragraph (b);

■ g. Remove paragraph (b)(1);

■ h. Redesignate paragraphs (b)(2) through (b)(4) as paragraphs (b)(1) through (3); and

■ i. Revise newly redesignated paragraphs (b)(1) and (3).

The revisions read as follows:

§ 5.15 Procedures for issuing guidance documents.

(a) *General.* (1) Each guidance document should clearly and prominently state that it does not bind the public, except as authorized by law or as incorporated into a contract. * * *

(2) Each guidance document should include the following information in the published guidance document:

* * * * *

(vii) A short summary of the subject matter covered at the beginning of the guidance document; and

* * * * *

(b) *Significant guidance documents.* VA will refer to the Administrator of the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget, or the Administrator's designee, the question of whether a guidance document is significant. Significant guidance documents should contain the disclaimer and information described in paragraph (a) of this section. Additionally, unless the Administrator of OIRA, pursuant to review under E.O. 12866, and VA agree that exigency, safety, health, or other compelling cause warrants an exemption, the following additional procedures apply:

(1) The Secretary or a VA component head appointed by the President (with or without confirmation by the Senate), or by an official who is serving in an acting capacity as either of the foregoing, must approve any significant guidance document prior to issuance. This approval authority is not delegable.

* * * * *

(3) Significant guidance documents must comply with the applicable requirements set forth in Executive Orders 12866, 13563, and 13609.

■ 4. Revise § 5.20(c) to read as follows:

§ 5.20 Procedures for petition for the withdrawal or modification of a guidance document.

* * * * *

(c) VA will seek to provide a response to a petition within 90 days of receipt of the request.

■ 5. Revise § 5.25 to read as follows:

§ 5.25 Guidance website.

VA has a guidance website that contains, or links to, guidance documents that are currently in effect. The website can be found at the following address: *www.va.gov/orpm/va_guidance_documents.asp.*

[FR Doc. 2021–11835 Filed 6–4–21; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2020–0251; FRL–10021–77]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–6.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. This action further requires that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any risk management actions as are required as a result of that determination.

DATES: This rule is effective on August 6, 2021. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on June 21, 2021.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather

provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

• Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0251, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

Due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Background

A. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for chemical substances which were the subject of PMNs P–18–151, P–18–271, P–19–19, P–19–88, P–19–109, P–20–36, P–20–37, and P–20–38. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

Previously, in the **Federal Register** of June 15, 2020 (85 FR 36175) (FRL–10010–40), EPA proposed SNURs for these chemical substances in 40 CFR part 721 subpart E. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** documents proposing the SNURs. The record for these SNURs was established in the docket under docket ID number EPA–HQ–OPPT–2020–0251. That docket includes information considered by the Agency in developing the proposed and final rules. EPA received public comments on this rule, as described in Unit IV.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III.

C. How do the of general provisions apply to this action?

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A) (15 U.S.C. 2604(a)(1)(A)). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1) (15 U.S.C. 2604(b) and 2604(d)(1)), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

A. Determination Factors

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

• The projected volume of manufacturing and processing of a chemical substance.

• The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.

• The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.

• The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is designating those reasonably foreseen conditions of use as well as certain other circumstances of use as significant new uses.

B. Procedures for Significant New Uses Claimed as Confidential Business Information (CBI)

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1) and has referenced it to apply to other SNURs.

Under these procedures a manufacturer or processor may request

EPA to determine whether a specific use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the production volume limit is not exceeded by the amount identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

IV. Public Comments on Proposed Rule and EPA Responses

EPA received public comments from four identifying entities on the proposed rule. The Agency's responses to three of these comments are described in a separate Response to Public Comments document that is available in the public docket for this rulemaking. EPA made changes to one of the proposed rules, as described in the response to comments. EPA also received three anonymous comments. These three anonymous comments and the fourth identifying entity comment were general in nature and did not pertain to the proposed rule; therefore, no response is required.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In Unit IV. of the proposed SNUR, EPA provided the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Potentially Useful Information.
- CFR citation assigned in the proposed regulatory text, and the final citation assignment is in the regulatory text section of this final rule.

The regulatory text section of these rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the rules, may be claimed as CBI.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these SNURs and as further discussed in Unit IV. of the proposed rule, EPA identified certain other reasonably foreseen conditions of use in addition to those conditions of use intended by the submitter. EPA has determined that the chemical under the intended conditions of use is not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use. EPA is designating these conditions of use as well as certain other circumstances of use as significant new uses. As a result, those significant new uses cannot occur without going through a separate, subsequent EPA review and determination process associated with a SNUN.

B. Objectives

EPA is issuing these SNURs because the Agency wants:

- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under TSCA section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.
- To be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

VII. Applicability of the Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule were undergoing premanufacture review at the time of signature of the proposed rule and were not on the TSCA inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to these SNURs EPA concluded at the time of signature of the proposed rule that the designated significant new uses were not ongoing.

EPA designated June 2, 2020 (the date of the web posting of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who began commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under section 5 allowing manufacture or processing to proceed.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission

of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. of the proposed rule lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. of the proposed rule will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol election. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information described in Unit IV. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

IX. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

X. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket for this rulemaking.

XI. Statutory and Executive Order Reviews

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

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

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

The listing of the OMB control numbers of the collection instruments and their subsequent codification in the table in 40 CFR 9.1 satisfies the display requirements of the PRA and OMB's implementing regulations at 5 CFR part 1320. Since this ICR was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table in 40 CFR part 9, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table in 40 CFR 9.1 without further notice and comment.

C. Regulatory Flexibility Act (RFA)

Pursuant to RFA section 605(b) *et seq.,* I hereby certify that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use''. Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018. Only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from

$16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report containing this rule and other required information to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 24, 2021.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

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

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, amend the table by adding entries for §§ 721.11498 through 721.11505 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB Approvals Under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11498	2070–0012
721.11499	2070–0012
721.11500	2070–0012
721.11501	2070–0012
721.11502	2070–0012
721.11503	2070–0012
721.11504	2070–0012
721.11505	2070–0012
* * * * *	

* * * * *

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add §§ 721.11498 through 721.11505 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

721.11498 Formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol.
721.11499 2-Propanol, 1-butoxy-, 2,2′-ester (generic).
721.11500 Haloalkane (generic).
721.11501 Ethanamine, N-ethyl-, 2-hydroxy-1,2,3-propanetricarboxylate (1:?).
721.11502 Copper, [[2,2′,2″-(nitrilo-.kappa.N)tris[ethanolato-.kappa.O]](2-)]-(P–19–109, chemical A).

721.11503 Copper, bis[2-(amino-.kappa.N)ethanolato-.kappa.O]- (P–19–109, chemical B).
721.11504 Carbonic acid, di(lithium-6Li) salt.
721.11505 Lithium chloride (6LiCl).

* * * * *

§ 721.11498 Formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol (PMN P–18–151; CAS No. 158800–93–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in a manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11499 2-Propanol, 1-butoxy-, 2,2′-ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-propanol, 1-butoxy-, 2,2′-ester (PMN P–18–271) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to use the PMN substance other than as a film-forming coalescent for architectural coatings; for automotive OEM coatings; for can and coil coatings; for industrial wood coatings; for floor polishes, for industrial maintenance coatings; for marine and wood coatings; for transportation coatings; for use in printing inks; or as a chemical intermediate to prepare ester plasticizers. It is a significant new use to process the PMN substance to a weight fraction greater than 8% in the final formulation.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11500 Haloalkane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as haloalkane (PMN P–19–19) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000. For purposes of § 721.63(a)(6), the airborne form(s) of the substance include particulate (including solids or liquid droplets).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=23.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11501 Ethanamine, N-ethyl-, 2-hydroxy-1,2,3-propanetricarboxylate (1:?).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ethanamine, N-ethyl-, 2-hydroxy-1,2,3-propanetricarboxylate (1:?) (PMN P–19–88; CAS No. 23251–73–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in a manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=46.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11502 Copper, [[2,2′,2″-(nitrilo-.kappa.N)tris[ethanolato-.kappa.O]](2-)]-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as copper, [[2,2′,2″-(nitrilo-.kappa.N)tris[ethanolato-.kappa.O]](2-)]- (PMN P–19–109, chemical A; CAS No. 21545–60–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the PMN substance in a manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=3.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11503 Copper, bis[2-(amino-.kappa.N)ethanolato-.kappa.O]-.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as copper, bis[2-(amino-.kappa.N)ethanolato-.kappa.O]- (PMN P–19–109, chemical B; CAS No. 14215–52–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process, or use the PMN substance in a matter that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=3.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11504 Carbonic acid, di(lithium-6Li) salt.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as carbonic acid, di(lithium-6Li) salt (PMN P–20–36; CAS No. 25890–20–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to use the chemical substance other than as a chemical intermediate for manufacture of 6-Lithium halide scintillation crystals for use in radiation detection.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=35.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11505 Lithium chloride (6LiCl).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as lithium chloride (6LiCl) (PMN P–20–37; CAS No. 20227–31–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

* * * * *

[FR Doc. 2021–11765 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2020–0222; FRL–10018–77]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–5.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. This action further requires that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any risk management actions as are required as a result of that determination.

DATES: This rule is effective on August 6, 2021. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on June 21, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 25 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket

for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0222, is available at *https://www.regulations.gov* and at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

Due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Background

A. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for chemical substances which were the subject of PMNs P–17–86, P–17–294, P–18–262, P–19–136, P–19–174, P–20–41, and P–20–52. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

Previously, in the **Federal Register** of May 19, 2020 (85 FR 29907) (FRL–10009–17), EPA proposed SNURs for these chemical substances. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** document proposing the SNURs. The docket includes information considered by the Agency in developing the proposed and final rules, including the public comments received on the proposed rules that are described in Unit IV.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III.

C. Do the SNUR general provisions apply?

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

A. Determination Factors

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is designating those reasonably foreseen conditions of use as well as certain other circumstances of use as significant new uses.

B. Procedures for Significant New Uses Claimed as Confidential Business Information (CBI)

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1) and has referenced it to apply to other SNURs.

Under these procedures a manufacturer or processor may request EPA to determine whether a specific use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the production volume limit is not exceeded by the amount identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger.

Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

IV. Public Comments

EPA received public comments from three identifying entities on the proposed rule. The Agency's responses are presented in the Response to Public Comments document that is available in the docket for this rule. EPA made changes to two of the proposed rules, as described in the response to comments.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In Unit IV. of the proposed SNUR, EPA provided the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Potentially useful information.
- CFR citation assigned in the proposed regulatory text, and the final citation assignment is in the regulatory text section of this final rule.

The regulatory text section of these rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the rules, may be claimed as CBI.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these SNURs and as further discussed in Unit IV. of the proposed rule, EPA identified certain other reasonably foreseen conditions of use in addition to those conditions of use intended by the submitter. EPA has determined the chemical under the intended conditions of use is not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use. EPA is designating these conditions of use as well as certain other circumstances of use as significant new uses. As a result, those significant new uses cannot occur without going through a separate, subsequent EPA review and determination process associated with a SNUN.

B. Objectives

EPA is issuing these SNURs because the Agency wants:

- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.
- To be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

VII. Applicability of the Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule were undergoing premanufacture review at the time of signature of the proposed rule and were not on the TSCA inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to these SNURs EPA concluded at the time of signature of the proposed rule that the designated significant new uses were not ongoing.

EPA designated May 4, 2020 (the date of web posting of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who began commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under section 5 allowing manufacture or processing to proceed.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. of the proposed rule lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. of the proposed rule will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol election. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency

representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information described in Unit IV. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

• Human exposure and environmental release that may result from the significant new use of the chemical substances.

IX. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

X. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket for this rulemaking.

XI. Statutory and Executive Order Reviews

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

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

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to RFA section 605(b), 5 U.S.C. 601 *et seq.,* I hereby certify that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use''. Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018. Only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments, and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report containing this rule and other required information to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 24, 2021.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

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

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, amend the table by adding entries for §§ 721.11491 through 721.11497 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11491	2070–0012
721.11492	2070–0012
721.11493	2070–0012
721.11494	2070–0012
721.11495	2070–0012
721.11496	2070–0012
721.11497	2070–0012
* * * * *	

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add §§ 721.11491 through 721.11497 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

* * * * *

Sec.

721.11491 Cyclohexane, 1,4-bis(ethoxymethyl)-.

721.11492 2-Butanone, 3-methyl-, peroxide.

721.11493 2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with ammonium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1), N,N-dimethyl-2-propenamide and .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-(dodecyloxy)poly(oxy-1,2-ethanediyl).

721.11494 Iso-alkylamine, N-isoalkyl-N-methyl (generic).

721.11495 Octadecanoic acid, 9(or 10)-(dibutoxyphosphinyl)-, 1,1′-(2,2-dimethyl-1,3-propanediyl) ester.

721.11496 1,3-Benzenedicarboxylic acid, polymer with 3-methyl-1,5-pentanediol.

721.11497 Oxirane, 2-methyl-, polymer with oxirane, mono(3,5,5-trimethylhexanoate).

* * * * *

§ 721.11491 Cyclohexane, 1,4-bis(ethoxymethyl)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cyclohexane, 1,4-bis(ethoxymethyl)- (PMN P–17–86, CAS No. 54889–63–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to process the PMN substance to greater than 1.5% (by weight) for use in consumer products.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4) and (b)(4), where N = 330. Processors receiving the PMN substance from fragrance compounding processors at concentrations below 10% (by weight) are exempt from the water release provisions.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11492 2-Butanone, 3-methyl-, peroxide.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-butanone, 3-methyl-, peroxide (PMN

P–17–294, CAS No. 182893–11–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(a)(6), the applicable airborne form of the substance is particulate (including solids or liquid droplets).

(ii) *Industrial, commercial, and consumer activities.* It is a significant new use to use the substance other than as an organic peroxide polymerization initiator.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11493 2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with ammonium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1), N,N-dimethyl-2-propenamide and .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-(dodecyloxy)poly(oxy-1,2-ethanediyl).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2-propenoic acid, 2-methyl-, dodecyl ester, polymer with ammonium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1), N,N-dimethyl-2-propenamide and .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-(dodecyloxy)poly(oxy-1,2-ethanediyl) (PMN P–18–262, CAS No. 1190091–71–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j). It is a significant new use to process the PMN substance above the confidential percentage in formulation specified in the PMN for use in consumer products.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11494 Iso-alkylamine, N-isoalkyl-N-methyl (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as iso-alkylamine, N-isoalkyl-N-methyl (PMN P–19–136) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11495 Octadecanoic acid, 9(or 10)-(dibutoxyphosphinyl)-, 1,1'-(2,2-dimethyl-1,3-propanediyl) ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as octadecanoic acid, 9(or 10)-(dibutoxyphosphinyl)-, 1,1'-(2,2-dimethyl-1,3-propanediyl) ester (PMN P–19–174, CAS No. 2346600–12–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in a manner that results in inhalation exposure. It is a significant new use to process the PMN substance above the confidential percentage in formulation specified in the PMN for use in consumer products.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11496 1,3-Benzenedicarboxylic acid, polymer with 3-methyl-1,5-pentanediol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-benzenedicarboxylic acid, polymer with 3-methyl-1,5-pentanediol (PMN P–20–41, CAS No. 76962–70–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N = 1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11497 Oxirane, 2-methyl-, polymer with oxirane, mono(3,5,5-trimethylhexanoate).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-methyl-, polymer with

oxirane, mono(3,5,5-trimethylhexanoate) (PMN P–20–52, CAS No. 148263–50–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture, process or use the substance in a manner that results in inhalation exposures. It is a significant new use to use the substance other than as a liquid shrinkage reducing admixture for concrete.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

* * * * *

[FR Doc. 2021–11763 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2020–0303; FRL–10021–85]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–7.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs). This action requires persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this rule. This action further requires that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken any risk management actions as are required as a result of that determination.

DATES: This rule is effective on August 6, 2021. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (EST) on June 21, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements.

Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0303, is available at *https://www.regulations.gov* and at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

Due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Background

A. What action is the Agency taking?

EPA is finalizing SNURs under TSCA section 5(a)(2) for chemical substances which were the subject of PMNs P–16–313, P–17–333, P–18–320, P–18–363, P–20–15, P–20–38, and P–20–40. These SNURs require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

Previously, in the **Federal Register** of July 21, 2020 (85 FR 44032) (FRL–10011–81), EPA proposed SNURs for these chemical substances. More information on the specific chemical substances subject to this final rule can be found in the **Federal Register** document proposing the SNURs. The docket includes information considered by the Agency in developing the proposed and final rules, including public comments and EPA's responses to the public comments received on the proposed rules, as described in Unit IV.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III.

C. Do the SNUR general provisions apply?

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such regulatory action as is associated with an alternative determination before manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

A. Determination Factors

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is designating those reasonably foreseen conditions of use as well as certain other circumstances of use as significant new uses.

B. Procedures for Significant New Uses Claimed as Confidential Business Information (CBI)

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1) and has referenced it to apply to other SNURs.

Under these procedures a manufacturer or processor may request EPA to determine whether a specific use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the production volume limit is not exceeded by the amount identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

IV. Public Comments

EPA received public comments from seven identifying entities on the proposed rule. In addition, EPA received two anonymous comments. The Agency's responses are described in a separate Response to Public Comments document that is available in the public docket for this rulemaking. The two anonymous comments and four of the comments from identifying entities were either general in nature and did not pertain to the proposed rule or were broadly supportive of the rule and requested no changes to the rule itself; therefore, no response is required. EPA made no changes to the final rules as a result of these comments.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In Unit IV. of the proposed SNUR, EPA provided the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Potentially useful information.
- CFR citation assigned in the proposed regulatory text, and the final citation assignment is in the regulatory text section of this final rule.

The regulatory text section of these rules specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the rules, may be claimed as CBI.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these SNURs and as further discussed in Unit IV. of the proposed rule, EPA identified certain other reasonably foreseen conditions of use in addition to those conditions of use intended by the submitter. EPA has determined that the chemical under the intended conditions of use is not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use. EPA is designating

these conditions of use as well as certain other circumstances of use as significant new uses. As a result, those significant new uses cannot occur without going through a separate, subsequent EPA review and determination process associated with a SNUN.

B. Objectives

EPA is issuing these SNURs because the Agency wants:

- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under section 5(a)(3)(C) that the significant new use is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.
- To be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

VII. Applicability of the Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule were undergoing premanufacture review at the time of signature of the proposed rule and were not on the TSCA inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to these SNURs EPA concluded at the time of signature of the proposed rule that the designated significant new uses were not ongoing.

EPA designated July 6, 2020 (the date of web posting of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who began commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date will have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under TSCA section 5 allowing manufacture or processing to proceed.

VIII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. of the proposed rule lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. of the proposed rule will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol election. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information described in Unit IV. of the proposed rule may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

IX. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

X. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket for this rulemaking.

XI. Statutory and Executive Order Reviews

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

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

This action establishes SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

The listing of the OMB control numbers of the collection instruments and their subsequent codification in the table in 40 CFR 9.1 satisfies the display requirements of the PRA and OMB's implementing regulations at 5 CFR part 1320. Since this ICR was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table in 40 CFR part 9, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table in 40 CFR 9.1 without further notice and comment.

C. Regulatory Flexibility Act (RFA)

Pursuant to RFA section 605(b), 5 U.S.C. 601 *et seq.,* I hereby certify that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use''. Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018. Only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by

Executive Order 12898 (59 FR 7629, February 16, 1994).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report containing this rule and other required information to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 24, 2021.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

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

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, amend the table by adding entries for §§ 721.11507 through 721.11513 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11507	2070–0012
721.11508	2070–0012
721.11509	2070–0012
721.11510	2070–0012
721.11511	2070–0012
721.11512	2070–0012
721.11513	2070–0012
* * * * *	

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PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add §§ 721.11507 through 721.11513 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

* * * * *

Sec.

721.11507 Tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling.

721.11508 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (generic).

721.11509 Alkane, diisocyanato-(isocyanatoalkyl)- (generic).

721.11510 Phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic).

721.11511 N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (generic).

721.11512 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.

721.11513 2-Propenoic acid, cycloalkyl ester (generic).

* * * * *

§ 721.11507 Tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling (PMN P–16–313, CAS No. 1887000–93–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=14.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11508 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (PMN P–17–333) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=1.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11509 Alkane, diisocyanato-(isocyanatoalkyl)- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as alkane, diisocyanato-(isocyanatoalkyl)- (PMN P–18–320) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Workplace protection.* Requirements as specified in § 721.63(a)(1), (a)(3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000. For purposes of § 721.63(a)(6), the airborne form(s) of

the substance include particulate (including solids or liquid droplets).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e) and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11510 Phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic) (PMN P–18–363) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=4.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11511 N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (PMN P–20–15) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(s). It is a significant new use to use the PMN substance other than as a polymer in the manufacture of hollow fiber membrane products.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11512 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]- (PMN P–20–38, CAS No. 91403–64–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=5.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k).

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11513 2-Propenoic acid, cycloalkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-Propenoic acid, cycloalkyl ester (PMN P–20–40) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=7.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitation or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

* * * * *

[FR Doc. 2021–11766 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0369; FRL–10024–65–Region 5]

Air Plan Approval; Indiana; Two Revised Sulfur Dioxide Rules for Lake County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Indiana sulfur dioxide (SO_2) State Implementation Plan (SIP). The State of Indiana has requested these SIP revisions to satisfy the requirements of a Federal consent decree. These revisions limit annual bypass venting limits in the sulfur-containing waste gas emissions from a coking and power generating facility in Lake County, Indiana, which is owned and operated by Indiana Harbor Coke Company (IHCC) and Cokenergy LLC (Cokenergy). The revisions also require Cokenergy to operate and maintain a permanent SO_2 flow rate monitor and improve the percent control capture efficiency of the facility. In addition, the rulemaking includes technical corrections and clarifications that do not have a substantive effect of the application of the rules.

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

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2020–0369. 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 Andrew Lee, Physical Scientist, at (312) 353–7645 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andrew Lee, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–7645, *lee.andrew.c@epa.gov.*

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

I. Background Information

On February 11, 2021, EPA proposed to approve revisions to 326 Indiana Administrative Code (IAC) 7–4.1–7 (Cokenergy) and 326 IAC 7–4.1–8 (IHCC) to limit annual bypass venting of sulfur containing waste gases from a coking and power generating facility owned and operated by Indiana Harbor Coke Company and Cokenergy LLC in Lake County, Indiana. *See* 86 FR 9038. The proposed revision for Cokenergy also requires it to operate and maintain a permanent SO_2 flow rate monitor at the facility. The state of Indiana has requested these SIP revisions to satisfy the requirements of a Federal consent decree. 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.

II. Public Comments

EPA provided a 30-day review and comment period for the February 11, 2021, proposed rule. The comment period ended on March 15, 2021. EPA received a total of three comments, all from private citizens, on the proposed approval of this rule. Two comments were in support of the action and one comment was adverse. No further discussion of the supporting comments is necessary. EPA summarizes and responds to the adverse comment below.

Comment: This rule should be more restricting on the harmful gases that are released into the atmosphere. The 19% of coke waste that is pumped into our atmosphere 24 hours a day should be cut by at least 2% for the year 2021. The option for retubing defeats the new revision because it allows the company to continue to let a maximum of 14% rather than the proposed 13%.

Response: The provision relating to 19% of the coke oven waste gases leaving the common tunnel was not reopened by our proposal and is not being revised by this rulemaking. As per the consent decree, Indiana was not required to amend the facility's maximum percentage of coke oven gases leaving the common tunnel that can be vented into the atmosphere. Indiana has retained the original limit which was adopted to be protective of the previous SO_2 standard. *See* 70 FR 56129. No one timely challenged that previous determination and it is too late to raise an objection now. As such, this portion of the comment is outside of the scope of this action.

In addition, the commentor raised a concern over the increase in bypass venting allowed during a ''retubing year.'' This term is defined in the proposed revision as a year in which there is a replacement of: (1) Waterwalls, evaporator tubes, economizer tubes, or superheater module pendants within the heat recovery steam generator; and (2) exterior casing, insulation, and refractory, as needed. To comply with the consent decree, IHCC and Cokenergy submitted to Indiana a request to lower the facility's maximum bypass venting to 13%, down from previously allowed 14%, except during a heat recovery steam generator (HRSG) retubing year. During a retubing year, the facility is allowed increase the bypass venting back up to the previously permissible maximum of 14% when at least 3.25% of the bypass venting is due to the HRSG retubing. In any year, one or more HRSGs may be brought offline to replace parts that are prone to wear due to operating at extreme temperatures. The need to increase bypass venting arises from the fact that the facility is unable to construct redundant HRSGs that could accept the waste gas stream when the primary HRSG is offline. As such, when a HRSG is offline due to retubing, the facility will need to divert a higher percentage of the gas stream to the atmosphere through bypass venting. This provision allows the facility to preserve its pollution control devices located downstream that cannot handle the high temperature of the gas stream that does not first go through a HRSG. EPA agrees with this technical justification for the need to allow increase bypass venting during a retubing year to the previously permissible 14%. Overall, this revision will lower the percentage of coke oven gases that are vented to the atmosphere via bypass venting.

III. Final Action

EPA is approving Indiana's July 10, 2020 request to revise 326 IAC 7–4.1–7 and 326 IAC 7–4.1–8. These SO_2 SIP revisions strengthen the SIP and fulfill the requirements of the Federal consent decree with Cokenergy LLC and IHCC.

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

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the 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);

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

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

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

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

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

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

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 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, Sulfur oxides.

Dated: June 1, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, EPA amends title 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. In § 52.770, the table in paragraph (c) is amended by revising the entries for ''7–4.1–7'' and ''7–4.1–8'' under the heading ''Rule 4.1. Lake County Sulfur Dioxide Emission Limitations'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Rule 4.1. Lake County Sulfur Dioxide Emission Limitations				
*	*	*	*	*
7–4.1–7	Cokenergy LLC sulfur dioxide emission limitations.	8/24/2020	6/7/2021, [INSERT **Federal Register** CITATION].	
7–4.1–8	Indiana Harbor Coke Company sulfur dioxide emission limitations.	8/24/2020	6/7/2021, [INSERT **Federal Register** CITATION].	
*	*	*	*	*

* * * * *

[FR Doc. 2021–11769 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2021–0340; FRL–10024–58–Region 9]

Designation of Areas for Air Quality Planning Purposes; California; Eastern Kern Ozone Nonattainment Area; Reclassification to Severe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is granting a request by the California Air Resources Board (CARB) to reclassify the Eastern Kern, California (''Eastern Kern'') ozone nonattainment area from ''Serious'' to ''Severe'' for the 2008 ozone national ambient air quality standard (NAAQS).

DATES: This rule is effective on July 7, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2021–0340. 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: Ben Leers, Air Planning Office (AIR–2), EPA Region IX, (415) 947–4279, *Leers.Benjamin@epa.gov.*

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

I. Reclassification of Eastern Kern to Severe Ozone Nonattainment

In March 2008, the EPA strengthened the primary and secondary eight-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm (''2008 ozone NAAQS'').[1] In accordance with section 107(d) of the CAA, the EPA must designate an area ''nonattainment'' if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. With respect to the ozone NAAQS, the EPA further classifies nonattainment areas as ''Marginal,'' ''Moderate,'' ''Serious,'' ''Severe,'' [2] or ''Extreme,'' depending upon the ozone design value for an area.[3] See CAA section 181(a)(1). As a general matter, higher classified ozone nonattainment areas are subject to a greater number of, and more stringent, CAA planning requirements than lower classified areas but are allowed more time to attain the ozone NAAQS. See, generally, subpart 2 of part D of title I of the CAA.

Effective July 20, 2012, the EPA designated and classified the Eastern Kern [4] area under the CAA as Marginal nonattainment for the 2008 ozone NAAQS.[5] The EPA's classification of the Eastern Kern area as a Marginal ozone nonattainment area established a requirement that the area attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than three years from the date of designation as nonattainment, *i.e.,* July 20, 2015. Under CAA section 181(b)(2), the EPA is required to determine whether an area attained the ozone NAAQS by the applicable attainment date. In May 2016, the EPA found that Eastern Kern failed to attain the 2008 ozone NAAQS by the July 20, 2015 Marginal attainment date and reclassified the area as Moderate for the 2008 ozone NAAQS with a new maximum attainment date of July 20, 2018.[6]

On October 25, 2017, CARB submitted the ''Eastern Kern Air Pollution Control District 2017 Ozone Attainment Plan for the Federal 75 ppb 8-Hour Ozone Standard'' (''the Eastern Kern 2017 Ozone Plan''). The Eastern Kern 2017 Ozone Plan includes a request for voluntary reclassification of the Eastern Kern ozone nonattainment area from Moderate to Serious. Effective August 6, 2018, the EPA granted CARB's request and reclassified the Eastern Kern ozone nonattainment area as Serious for the 2008 ozone NAAQS with a new maximum attainment date of July 20, 2021.[7] By letter dated May 15, 2021, CARB submitted a request from the Eastern Kern Air Pollution Control District to the EPA to voluntarily reclassify the Eastern Kern ozone nonattainment area from Serious to Severe for the 2008 ozone NAAQS.[8]

Consistent with CAA section 181(b)(3), we are granting California's request and reclassifying the Eastern Kern area from Serious to Severe nonattainment for the 2008 ozone NAAQS. CAA section 181(b)(3) provides for ''voluntary reclassification'' and states: ''The Administrator shall grant the request of any State to reclassify a nonattainment area in that State in accordance with table 1 of subsection (a) of this section to a higher classification. The Administrator shall publish a notice in the **Federal Register** of any such request and of action by the Administrator granting the request.'' Under 40 CFR 51.1103(b), a state ''may request, and the Administrator must approve, a higher classification for any reason in accordance with CAA section 181(b)(3)'' and 40 CFR 51.1103(a), Table 1. The EPA is therefore granting CARB's request for voluntary reclassification under section 181(b)(3) for the Eastern Kern ozone nonattainment area, and the EPA is reclassifying the area from Serious to Severe for the 2008 ozone NAAQS. In the Proposed Rules section of this **Federal Register**, the EPA is proposing a schedule for CARB to submit the plan elements for a Severe ozone nonattainment area.

[1] 73 FR 16436 (March 27, 2008).

[2] Throughout this document and in our final rule, we use the term ''Severe'' to refer to Severe areas that have up to 15 years to attain the ozone standards. The ozone area designation tables in 40 CFR part 81 specify ''Severe-15'' to distinguish such areas from ''Severe-17'' areas, which are Severe areas that have up to 17 years to attain the ozone standards.

[3] For the 2008 ozone NAAQS, the design value at each monitoring site is the annual fourth-highest daily maximum 8-hour average ozone concentration, averaged over three years. The design value for an area is the highest design value among the monitoring sites.

[4] Kern County is located in the southern-most portion of California's Central Valley. The western portion of Kern County is part of the San Joaquin Valley air basin and is included within the San Joaquin Valley ozone nonattainment area. The eastern portion of Kern County is part of the Mojave Desert air basin. The Eastern Kern ozone nonattainment area covers the eastern portion of the county excluding Indian Wells Valley. For more detail on the boundaries of the Eastern Kern ozone nonattainment area, see the 2008 ozone table in 40 CFR 81.305.

[5] 77 FR 30088 (May 21, 2012).

[6] 81 FR 26697 (May 4, 2016).

[7] 83 FR 31334 (July 5, 2018).

[8] Letter dated May 15, 2021, from Richard W. Corey, Executive Officer, CARB, to Deborah Jordan, Acting Regional Administrator, EPA Region IX. In the letter, CARB also requests reclassification of Eastern Kern to Serious for the 2015 ozone NAAQS. The EPA will take action on the reclassification request with respect to the 2015 ozone NAAQS in a separate rulemaking.

As a result of this action, the Eastern Kern ozone nonattainment area must attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than fifteen years from the effective date of designation as nonattainment, *i.e.,* no later than July 20, 2027.

The EPA has determined this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act which, upon finding ''good cause,'' authorizes agencies to dispense with public participation where public notice and comment procedures are ''impracticable, unnecessary or contrary to the public interest.'' The EPA has determined that public notice and comment for today's action is unnecessary because our action to approve voluntary reclassification requests under CAA section 181(b)(3) is nondiscretionary both in its issuance and in its content. As such, notice and comment rulemaking procedures would serve no useful purpose.

II. Statutory and Executive Order Reviews

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this final action is not a ''significant regulatory action'' and therefore is not subject to Executive Order 12866. With respect to lands under state jurisdiction, voluntary reclassifications under CAA section 181(b)(3) of the CAA are based solely upon requests by the state, and the EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, reclassification does not impose a materially adverse impact under Executive Order 12866. For these reasons, this final action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition, I certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and that this final rule 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), because the EPA is required to grant requests by states for voluntary reclassifications and such reclassifications in and of themselves do not impose any federal intergovernmental mandate, and because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). There are no Indian reservation lands or other areas where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction within the Eastern Kern ozone nonattainment area, and thus, this reclassification action 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.

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. This reclassification action does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898.

This final action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This final action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

Reclassification actions do not involve technical standards and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA), 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 rule report to each House of the Congress and to 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 August 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 81

Environmental protection, Air pollution control, Intergovernmental relations, National parks, Ozone, Wilderness areas.

Dated: May 27, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the EPA amends part 81, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. In § 81.305, the table entitled ''California—2008 8-Hour Ozone NAAQS [Primary and Secondary]'' is amended by revising the entry for ''Kern County (Eastern Kern), CA'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA–2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * *	* *	* *		
Kern County (Eastern Kern), CA: [2]	.....	Nonattainment ..	July 7, 2021	Severe-15.
Kern County (part):				
That portion of Kern County (with the exception of that portion in Hydrologic Unit Number 18090205—the Indian Wells Valley) east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.				
* * *	* *	* *		

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.

[FR Doc. 2021–11704 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0138; FRL–10023–34]

Cellulose, Ethyl Ether; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of cellulose, ethyl ether; number average molecular weight 13,000 Daltons when used as an inert ingredient in a pesticide chemical formulation. Exponent, Inc. on behalf of Nutrition & Biosciences USA 1, LLC, formerly DDP Specialty Electronic Materials US, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a

tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of cellulose, ethyl ether on food or feed commodities.

DATES: This regulation is effective June 7, 2021. Objections and requests for hearings must be received on or before August 6, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2021–0138. All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* 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 in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0138 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 6, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0138, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of March 22, 2021 (86 FR 15162) (FRL–10021–44), EPA issued a notification pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11484) filed by Exponent, Inc., 1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036 on behalf of Nutrition & Biosciences USA 1, LLC, 3490 Winton Place, Rochester, NY 14623 formerly DDP Specialty Electronic Materials US, Inc., 400 Arcola Road, Collegeville, PA 19426. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of cellulose, ethyl ether; CAS Reg. No. 9004–57–3. That notification included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a

reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). cellulose, ethyl ether conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria: Specified in 40 CFR 723.250(e):

The polymer's number average MW is greater than or equal to 10,000 daltons. The polymer contains less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, cellulose, ethyl ether meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to cellulose, ethyl ether.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that cellulose, ethyl ether could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of cellulose, ethyl ether is 13,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since cellulose, ethyl ether conform to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found cellulose, ethyl ether to share a common mechanism of toxicity with any other substances, and cellulose, ethyl ether does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cellulose, ethyl ether does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of cellulose, ethyl ether, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of cellulose, ethyl ether.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as

required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/ World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for cellulose, ethyl ether.

IX. Conclusion

Accordingly, EPA finds that exempting residues of cellulose, ethyl ether from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these rules from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes, or otherwise have any unique impacts on local governments. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

Although this action does not require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

XI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule 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 this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 28, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, amend the table by adding in alphabetical order the polymer ''Cellulose, ethyl ether, minimum number average molecular weight (in amu), insert 13,000 Daltons'' to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * * *	
Cellulose, ethyl ether, minimum number average molecular weight (in amu), insert 13,000 Daltons	9004–57–3
* * * * * * *	

[FR Doc. 2021–11840 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2020–0302; FRL–10022–76]

RIN 2070–AB27

Modification of Significant New Uses of Certain Chemical Substances (20–2.M)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending significant new use rules (SNURs) issued under the Toxic Substances Control Act (TSCA) for certain chemical substances identified herein, which were the subject of premanufacture notices (PMNs) and significant new use notices (SNUNs). This action would amend the SNURs to allow certain new uses reported in the SNUNs without additional notification requirements and modify the significant new use notification requirements based on the actions and determinations for the SNUN submissions. EPA is issuing these amendments based on review of new and existing data for the chemical substances.

DATES: This rule is effective on August 6, 2021. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on June 21, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: William Wysong, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4163; email address: *wysong.william@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0302, is available at *https://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

Due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. Background

A. What action is the Agency taking?

EPA is issuing amendments to the SNURs for certain chemical substances in 40 CFR part 721 subpart E.

Previously, in the **Federal Register** of November 18, 2020 (85 FR 73439) (FRL–10013–54), EPA proposed amendments to the SNURs for these chemical substances and established the record for these SNUR amendments in the docket under docket ID number EPA–HQ–OPPT–2020–0302. That docket includes information considered by the Agency in developing the proposed and final rules, including public comments.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule (*i.e.,* a SNUR) after considering all relevant factors, including those listed in TSCA section 5(a)(2). EPA may also amend a SNUR promulgated under TSCA section 5(a)(2). Procedures and criteria for modifying or revoking SNUR requirements appear at 40 CFR 721.185. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a SNUN to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Persons who must report are described in 40 CFR 721.5.

C. Do the SNUR general provisions apply?

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the final rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury or take such

regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the significant new use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

A. Determination Factors

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining whether and how to modify the significant new uses for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substance, likely human exposures and environmental releases associated with possible uses, and the four TSCA section 5(a)(2) factors listed in this unit.

B. Procedures for Significant New Uses Claimed as Confidential Business Information (CBI)

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1) and has referenced it to apply to other SNURs.

Under these procedures a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the production volume limit is not exceeded by the amount identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

IV. Public Comments

EPA received three public comments in response to the proposed SNURs. None of the comments pertained to the proposed SNURs or the basis for these SNURs. As a result, EPA is finalizing the rules as proposed and is not responding to the comments.

V. Rationale of the Final Rule

These amendments are based on EPA's determination under 40 CFR 721.85(a)(3) that significant new use notices for some of the activities designated as significant new uses of the relevant chemical substances were submitted to EPA and after reviewing the notices, EPA concluded that there is no need to require additional notice from persons who propose to engage in identical or similar activities. In those instances where EPA expanded the scope of the significant new use, the Agency identified concerns, as discussed in Unit IV. of the proposed rule, associated with certain potential new uses. In addition to considering the factors discussed in Unit IV. of the proposed rule, EPA determined that those uses could result in changes in the type or form of exposure to the chemical substance, increased exposures to the chemical substance, and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substance.

VI. Applicability of Rules to Uses Occurring Before Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. EPA solicited comments on the proposed rule, providing an opportunity for members of the public to indicate whether any of the uses which are not significant new uses under the current rules, but which would be regulated as ''significant new uses'' if the proposed rule is finalized, are ongoing. EPA received no comments that these uses were ongoing. Therefore, EPA concludes that the uses are not ongoing.

EPA designated November 18, 2020 (the date of publication of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of the cutoff date, that person will have to cease any such activity upon the effective date of the final rule. To resume their activities, that person would have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 generally does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, order or consent agreement under TSCA section 4, then TSCA section 5(b)(1)(A) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other

information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. of the proposed rule lists potentially useful information for all SNURs addressed in this final rule. Descriptions are provided for informational purposes. The information identified in Unit IV. of the proposed rule will be potentially useful to EPA's evaluation of a chemical substance in the event that someone submits a SNUN for a significant new use pursuant to the SNURs addressed in this final rule. Companies who are considering submitting a SNUN are encouraged, but are not required, to develop the potentially useful information on the substance.

EPA strongly encourages persons, before performing any testing, to consult with the Agency. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing on vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialogue with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). For more information on alternative test methods and strategies to reduce vertebrate animal testing, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

The potentially useful information identified in Unit IV. of the proposed rule may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data or other information may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs that provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances; and

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN under 40 CFR part 720, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 721.25 and 720.40. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket for this rulemaking.

X. Statutory and Executive Order Reviews

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

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

This action modifies SNURs for several new chemical substances that were the subject of PMNs and SNUNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection activities associated with these SNURs have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

The listing of the OMB control numbers of the collection instruments and their subsequent codification in the table in 40 CFR 9.1 satisfies the display requirements of the PRA and OMB's implementing regulations at 5 CFR part 1320. Since this ICR was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table in 40 CFR part 9, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table in 40 CFR 9.1 without further notice and comment.

C. Regulatory Flexibility Act (RFA)

Pursuant to the RFA section 605(b), 5 U.S.C. 601 *et seq.,* I hereby certify that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use''. Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018. Only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with

this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, significantly or uniquely affect the communities of Indian Tribal governments, and does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

K. Congressional Review Act (CRA)

This action is subject to the CRA (5 U.S.C. 801 *et seq.*), and EPA will submit a rule report containing this rule and other required information to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 25, 2021.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons stated in the preamble, 40 CFR chapter I is amended as follows:

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Amend § 721.983 by revising paragraphs (a)(1) and (a)(2)(ii) to read as follows:

§ 721.983 Sulfonyl azide intermediate (generic).

(a) * * * (1) The chemical substance identified generically as sulfonyl azide intermediate (PMN P–99–1202 and SNUN S–15–6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f). It is a significant new use to import, process, or use this chemical substance as a powder unless less than 1% of particles by weight are less than 200 microns.

* * * * *

■ 3. Amend § 721.9675 by revising paragraphs (a)(1), (a)(2)(i), (a)(2)(ii) and (b)(1) to read as follows:

§ 721.9675 Titanate [Ti6O13 (2-)], dipotassium.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as titanate [Ti6O13 (2-)], dipotassium (PMN P–90–226; SNUNs P–96–1408, S–08–6, S–09–4, S–13–49, S–16–5, and S–17–6; CAS No. 12056–51–8) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Protection in the workplace.* For manufacturing, processing, and use of SN–17–6: Requirements as specified in § 721.63(a)(4), (5), (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 10. For purposes of § 721.63(a)(6), the airborne form(s) of the substance include particulate (including solid or liquid droplets).

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA section 5(e) consent order for this substance. The NCEL is 0.8 mg/m^3 as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) consent order.

(B) [Reserved]

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (l). In addition, a significant new use of the substance is importation of the chemical substance if:

(A) Manufactured by other than the method described in premanufacture notice P–90–226 and significant new use notices P–96–1408, S–08–6, S–09–4, S–13–49, S–16–5, and S–17–6.

(B) Manufactured producing respirable, acicular fibers with an average aspect ratio of greater than 5. The average aspect ratio is defined as the ratio of average length to average diameter. For manufacture of S–17–6: Manufacture with a particle size distribution containing greater than 30% of particles less than 10 microns.

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d) and (i) are applicable to manufacturers and processors of this substance.

* * * * *

■ 4. Amend § 721.10288 by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 721.10288 Cyclohexane, oxidized, by-products from, distn. residues.

(a) * * * (1) The chemical substance identified as cyclohexane, oxidized, by-products from, distn. residues (PMN P–11–316; CAS No. 1014979–92–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=470.

* * * * *

■ 5. Amend § 721.10432 by:

■ a. Revising paragraphs (a)(1), (a)(2)(i) and (a)(2)(ii);

■ b. Adding paragraphs (a)(2)(iii) and (iv); and

■ c. Revising paragraph (b)(1).

The revisions and additions read as follows:

§ 721.10432 1,2,4,5,7,8-Hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl-.

(a) * * * (1) The chemical substance identified as 1,2,4,5,7,8-hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl- (PMN P–98–1028 and SNUNs S–14–9, S–17–12, and S–17–15; CAS No. 24748–23–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5), (a)(6)(v), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1) through (3), (g)(4)(i), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), the required human health hazard statements include: Internal organ effects; reproductive effects; allergic skin reaction. For purposes of § 721.72(g)(2), the required human health precautionary statements include: Use skin protection; where engineering controls are not determined to be adequate, use respiratory protection. For purposes of § 721.72(g)(3), the required environmental hazard statements include: This substance may cause long lasting harmful effects to aquatic life. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial commercial, and consumer activities.* It is a significant new use to process or use the substance with an application method that generates a mist, vapor, or aerosol.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=56.

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

* * * * *

■ 6. Amend § 721.10907 by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 721.10907 Polyfluorohydrocarbon (generic).

(a) * * * (1) The chemical substance identified generically as polyfluorohydrocarbon (PMN P–15–326 and SNUN S–17–11) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Industrial commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to use the substance other than for the confidential uses described in PMN P–15–326 and SNUN S–17–11.

* * * * *

■ 7. Amend § 721.10922 by:

■ a. Revising paragraphs (a)(1), (a)(2)(i) and (a)(2)(ii);

■ b. Adding paragraphs (a)(2)(iii) and (iv);

■ c. Revising paragraph (b)(1); and

■ d. Removing paragraph (b)(3).

The revisions and additions read as follows:

§ 721.10922 1,2,4,5,7,8-Hexoxonane, 3,6,9-trimethyl-, 3,6,9-tris(alkyl) derivs. (generic).

(a) * * * (1) The chemical substance identified generically as 1,2,4,5,7,8-hexoxonane, 3,6,9-trimethyl-, 3,6,9-tris(alkyl) derivs. (PMN P–15–607 and SNUN S–17–13) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3) through (5), (a)(6)(v), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health assigned protection factor of at least 50. For purposes of § 721.63(b), the concentration is set at 1.0%.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (f), (g)(1) through (3), (g)(4)(i), and (g)(5). For purposes of § 721.72(e), the concentration is set at 1.0%. For purposes of § 721.72(g)(1), the required human health hazard statements include: Internal organ effects; reproductive effects; allergic skin reaction. For purposes of § 721.72(g)(2), the required human health precautionary statements include: Use skin protection; where engineering controls are not determined to be adequate, use respiratory protection. For purposes of § 721.72(g)(3), the required environmental hazard statements include: This substance may cause long lasting harmful effects to aquatic life. Alternative hazard and warning statements that meet the criteria of the

Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial commercial, and consumer activities.* It is a significant new use to process or use the substance with an application method that generates a mist, vapor, or aerosol.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and (c)(4), where N=56.

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

* * * * *

[FR Doc. 2021–11768 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 86, No. 107
Monday, June 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0376; Project Identifier AD–2021–00062–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 all The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, 747SR, and 747SP airplanes. This proposed AD was prompted by reports of cracks found in the front spar shear tie and at the intercostal lug fitting at certain locations. This proposed AD would require repetitive detailed and surface high frequency eddy current (HFEC) inspections of the front spar shear tie and intercostal lug fitting at certain locations for any cracking, and applicable on-condition actions. 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 July 22, 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–2021–0376.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0376; 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: Stefanie Roesli, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3964; email: *Stefanie.N.Roesli@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–2021–0376; Project Identifier AD–2021–00062–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 Stefanie Roesli, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206 231 3964; email: *Stefanie.N.Roesli@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 indicating cracks were found in the station (STA) 1000 front spar shear tie at the left and right side buttock line (BL) 11.33, BL 33.99, BL 57.50, and BL 75.92, and in the intercostal lug fitting at the left and right side BL 11.33. The cause of the cracks in the front spar shear tie was fatigue at the holes of the system standoff brackets and front spar shear tie radius details. In addition, the cracks on the longitudinal lug fitting were caused by fatigue at the radius between the lug and the fitting base.

This condition, if not addressed, could result in the loss of limit load capability in a principal structural element, the potential inability to restrain the cargo for certain cargo configurations, and the potential for a center fuel tank rupture for certain cargo configurations under limit load conditions, which could adversely affect the structural integrity 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 Boeing Alert Requirements Bulletin 747–53A2904 RB, dated December 16, 2020. This service information specifies procedures for repetitive detailed and surface HFEC inspections of the STA 1000 front spar shear tie at the left and right side BL 11.33, BL 33.99, BL 57.50, and BL 75.92, and of the intercostal lug fitting at the left and right side BL 11.33, for any cracking, and applicable on-condition actions. On-condition actions include repair, installing a new front spar shear tie, and installing a new intercostal lug fitting. 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 accomplishing the actions specified in the service information already described 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–2021–0376.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 117 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
Inspections	Up to 314 work-hours × $85 per hour = Up to $26,690	$0	Up to $26,690	Up to $3,122,730.

The FAA estimates the following costs to do any necessary installations and repairs that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need these installations and repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installations	Up to 368 work-hour × $85 per hour = Up to $31,280.	Up to $38,446 (for shear ties and intercostal lug fittings).	Up to $69,726.

The FAA has received no definitive data on which to base the cost estimates for the 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–2021–0376; Project Identifier AD–2021–00062–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 22, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, –400F, 747SR, and 747SP airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracks in the station (STA) 1000 front spar shear tie at the left and right side buttock line (BL) 11.33, BL 33.99, BL 57.50, and BL 75.92, and in the intercostal lug fitting at the left and right side BL 11.33. The FAA is issuing this AD to address any cracking in these areas that could result in the loss of limit load capability in a principal structural element, the potential inability to restrain the cargo for certain cargo configurations, and the potential for a center fuel tank rupture for certain cargo configurations under limit load conditions, which could adversely affect the 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 Bulletin 747–53A2904 RB, dated December 16, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–53A2904 RB, dated December 16, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–53A2904, dated December 16, 2020, which is referred to in Boeing Alert Requirements Bulletin 747–53A2904 RB, dated December 16, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 747–53A2904 RB, dated December 16, 2020, uses the phrase ''the original issue date of Requirements Bulletin 747–53A2904 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 747–53A2904 RB, dated December 16, 2020, specifies 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 Related Information. 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 Stefanie Roesli, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3964; email: *Stefanie.N.Roesli@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 May 18, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–11844 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0450; Project Identifier 2017–SW–100–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 D–2 helicopters. This proposed AD was prompted by the discovery that certain parts that are approved for installation on multiple helicopter models are life limited parts when installed on Model MBB–BK 117 D–2 helicopters and some helicopter delivery documents excluded the life limit information. This proposed AD would require determining the total hours time-in-service (TIS) of a certain part-numbered rotor mast nut and re-identifying a certain part-numbered rotor mast nut. This proposed AD would also require establishing a life limit for a certain part-numbered rotor mast nut and helical gear support, and removing each part from service before reaching its life limit. Additionally, this proposed AD would require replacing a certain part-numbered main gearbox (MGB) with a not affected MGB as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 22, 2021.

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

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

For material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0450.

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–2021–0450; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other

information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *rao.edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2021–0450; Project Identifier 2017–SW–100–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 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 Rao Edupuganti, Aerospace Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *rao.edupuganti@faa.gov.* Any commentary that the FAA receives that 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 2017–0037, dated February 22, 2017 (EASA AD 2017–0037), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (formerly Eurocopter Deutschland GmbH), Airbus Helicopters Inc. (formerly American Eurocopter LLC) Model MBB–BK 117 D–2 and MBB–BK117 D–2m helicopters.

This proposed AD was prompted by the discovery that certain parts that are approved for installation on multiple helicopter models are life limited parts when installed on Model MBB–BK 117 D–2 helicopters and some helicopter delivery documents excluded the life limit information. The FAA is proposing this AD to address an unsafe condition on these products. See EASA AD 2017–0037 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2017–0037 requires establishing a life limit for rotor mast nut part number (P/N) D632K1133–201 and helical gear support P/N D632K1113–201, and replacing these parts before exceeding their life limit. EASA AD 2017–0037 also requires replacing each rotor mast nut P/N D632K1133–201 for which the hours time-in-service (TIS) are unknown and replacing certain part-numbered rotor mast nuts before accumulating 3,708 hours TIS since first installation on a helicopter. EASA AD 2017–0037 requires re-identifying each rotor mast nut P/N 117–12133–01 to P/N D632K1133–201 by following the specified service information. EASA AD 2017–0037 requires replacing any MGB P/N D632K1001–051 with serial number (S/N) D2–0001 up to D2–0108 inclusive, D2–0123, D2–0126, D2–0127, or D2–0130 up to D2–0136 inclusive with a not affected MGB before the affected MGB accumulates 3,708 hours TIS. EASA AD 2017–0037 also prohibits installing an affected rotor mast nut or an affected MGB that has accumulated more than 3,708 hours TIS since first installation on a helicopter. Additionally, EASA AD 2017–0037 requires revising the Aircraft Maintenance Program (AMP).

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.

Other Related Service Information

The FAA reviewed Airbus Helicopters Alert Service Bulletin MBB–BK117 D–2–63A–001, Revision 0, dated December 1, 2016 (ASB 63A–001), which is not incorporated by reference, which specifies procedures for re-identifying the rotor mast nut by using a vibrograph, crossing out the old P/N and marking the new P/N on the outer surface, engraving the letter ''A'' behind the S/N of each part, and updating the historical record and log card to confirm compliance with ASB 63A–001. ASB 63A–001 also specifies during the next MGB overhaul, making an entry in the log card to confirm re-identification of the helical gear support, and annotating the S/N of the helical gear support.

FAA's Determination and Requirements of This Proposed AD

These products have been approved by the aviation authority of another country, and are approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in EASA AD 2017–0037. 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 the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2017–0037, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the EASA 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 2017–0037 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2017–0037

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 2017–0037 that is required for compliance with EASA AD 2017–0037 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0450 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

EASA AD 2017–0037 applies to Model MBB–BK117 D–2 and D2m helicopters, whereas this proposed AD would only apply to Model MBB–BK117 D–2 helicopters because Model D–2m is not FAA type-certificated. If the total hours TIS for an affected rotor mast nut cannot be determined, this proposed AD would require removing the rotor mast nut from service before further flight, whereas EASA AD 2017–0037 does not contain this requirement. EASA AD 2017–0037 requires using a vibrograph to re-identify certain rotor mast nuts, whereas this proposed AD would require using a vibro etch instead. EASA AD 2017–0037 requires replacing certain parts, whereas this proposed AD would require removing certain parts from service instead. EASA AD 2017–0037 requires revising the AMP, whereas this proposed AD would not.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 30 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 proposed AD.

Determining the total hours TIS on an affected rotor mast nut would take about 1 work-hour for an estimated cost of $85 per helicopter and $2,550 for the U.S. fleet.

Re-identifying a rotor mast nut would take about 1.5 work-hours for an estimated cost of $128 per rotor mast nut.

Replacing a rotor mast nut would take about 6 work-hours and parts would cost about $5,351 for an estimated cost of $5,861 per rotor mast nut.

Replacing a main gearbox, which includes replacing the helical gear support, would take about 42 work-hours and parts would cost about $295,000 (overhauled) for an estimated cost of $298,570.

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 Deutschland GmbH (AHD): Docket No. FAA–2021–0450; Project Identifier 2017–SW–100–AD.

(a) Comments Due Date

The FAA must receive comments by July 22, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model MBB–BK 117 D–2 helicopters, certificated in any category, with an affected main gearbox or affected rotor mast nut as identified in Note 1 of European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2017–0037, dated February 22, 2017 (EASA AD 2017–0037) installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6200, Main gearbox.

(e) Unsafe Condition

This proposed AD was prompted by the discovery that certain parts that are approved for installation on multiple helicopter models are life limited parts when installed on Model MBB–BK 117 D–2 helicopters and some helicopter delivery documents excluded the life limit information. The FAA is issuing this AD to prevent certain parts from remaining in service beyond their fatigue life. The unsafe condition, if not addressed, could result in failure of the part and 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, EASA AD 2017–0037.

(h) Exceptions to EASA AD 2017–0037

(1) Where EASA AD 2017–0037 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2017–0037 refers to flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (1) of EASA AD 2017–0037 requires determining the FH (total hours TIS) accumulated by the affected rotor mast nut since first installation on a helicopter, this AD requires removing the rotor mast nut from service before further

flight if the total hours TIS cannot be determined.

(4) Where the service information referenced in Note 3 of EASA AD 2017–0037 specifies to use a vibrograph to mark the new part number, this AD requires using a vibro etch.

(5) Where paragraph (4) of EASA AD 2017–0037 requires replacing each affected rotor mast nut with a not affected rotor mast nut before exceeding 3,708 FH (total hours TIS) since first installation on a helicopter, this AD requires removing each affected rotor mast nut from service before accumulating 3,708 total hours TIS.

(6) Where paragraph (6) of EASA AD 2017–0037 requires replacing each part as identified in Table 2 of EASA AD 2017–0037 before exceeding the FH (total hours TIS) limit, this AD requires removing each part from service before exceeding the total hours TIS limit.

(7) Paragraph (7) of EASA AD 2017–0037 does not apply to this AD.

(8) The ''Remarks'' section of EASA AD 2017–0037 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For EASA AD 2017–0037, 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, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0450.

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

Issued on May 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–11804 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0211]

RIN 1625–AA08

Special Local Regulations, Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish special local regulations for certain waters of the Choptank River. This action is necessary to provide for the safety of life on navigable waters located at Cambridge, MD, during a high-speed power boat racing event on July 24, 2021, and July 25, 2021. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Event Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 22, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0211 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Samuel M. Danus, Waterways Management Division, U.S. Coast Guard; telephone 410–576–2519, email *Samuel.M.Danus@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
Event PATCOM Event Patrol Commander
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 22, 2021, the Kent Narrows Racing Association of Chester, MD, notified the Coast Guard that it will be conducting the Thunder on the Choptank from 9:30 a.m. to 5:30 p.m. on July 24, 2021, and from 9:30 a.m. to 5:30 p.m. on July 25, 2021. The high-speed power boat racing event consists of approximately 50 participating inboard and outboard hydroplane and runabout race boats of various classes, 16 to 21 feet in length. The vessels will be competing on a designated, marked 1-mile oval course located in the Choptank River in a cove located between Hambrooks Bar and the shoreline at Cambridge, MD. Details of the event were provided to the Coast Guard on April 19, 2021. Hazards from the power boat racing event include risks of injury or death resulting from near or actual contact among participant vessels and spectator vessels or waterway users if normal vessel traffic were to interfere with the event. Additionally, such hazards include participants operating near designated navigation channels, as well as operating near approaches to local public boat ramps, private marinas and yacht clubs, and waterfront businesses. The COTP Maryland-National Capital Region has determined that potential hazards associated with the power boat races would be a safety concern for anyone intending to operate within certain waters of the Choptank River at Cambridge, MD.

The purpose of this rulemaking is to protect event participants, spectators, and transiting vessels on certain waters of Choptank River before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041.

The Coast Guard is requesting that interested parties provide comments within a shortened comment period of 15 days instead of the more typical 30 days for this notice of proposed rulemaking. The Coast Guard believes the 15-day comment period still provides for a reasonable amount of time for interested parties to review the proposal and provide informed comments on it while also ensuring that the Coast Guard has time to review and respond to any significant comments and has a final rule in effect in time for the scheduled event.

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish special local regulations to be enforced from 9

a.m. on July 24, 2021, until 6 p.m. on July 25, 2021. The special local regulations would be enforced from 9 a.m. to 6 p.m. on July 24th and those same hours on July 25th. The regulated area would cover all navigable waters within Choptank River and Hambrooks Bay bounded by a line connecting the following coordinates: Commencing at the shoreline at Long Wharf Park, Cambridge, MD, at position latitude 38°34′30″ N, longitude 076°04′16″ W; thence east to latitude 38°34′20″ N, longitude 076°03′46″ W; thence northeast across the Choptank River along the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge, at mile 15.5, to latitude 38°35′30″ N, longitude 076°02′52″ W; thence west along the shoreline to latitude 38°35′38″ N, longitude 076°03′09″ W; thence north and west along the shoreline to latitude 38°36′42″ N, longitude 076°04′15″ W; thence southwest across the Choptank River to latitude 38°35′31″ N, longitude 076°04′57″ W; thence west along the Hambrooks Bay breakwall to latitude 38°35′33″ N, longitude 076°05′17″ W; thence south and east along the shoreline to and terminating at the point of origin in Dorchester County, MD.

This proposed rule provides additional information about areas within the regulated area, and the restrictions that apply to mariners. These areas include a ''Race Area'', ''Buffer Area'' and ''Spectator Area''.

The proposed duration of the rule and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the high-speed power boat races, scheduled from 9:30 a.m. until 5:30 p.m. on July 24, 2021, and July 25, 2021. The COTP and Coast Guard Event Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area would be required to immediately comply with the directions given by the COTP or Event PATCOM. If a person or vessel fails to follow such directions, the Coast Guard may expel them from the area, issue them a citation for failure to comply, or both.

Except for Thunder on the Choptank participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or Event PATCOM before entering the regulated area while the rule is being enforced. Vessel operators could request permission to enter and transit through the regulated area by contacting the Event PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a spectator. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or Event PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels will direct spectator vessels while within the regulated area. Vessels would be prohibited from loitering within the navigable channel. Only participant vessels and official patrol vessels would be allowed to enter the race area.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the location, size and duration of the regulated area, which impacts a portion of the Choptank River for a total of 18 hours. The regulated area extends across the entire width of the Choptank River between Cambridge, MD and Trappe, MD. The majority of the vessel traffic through this area consists of passenger, recreational and fishing vessels transiting along the Choptank River or into Cambridge Creek. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This proposed rule would 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 for 18 hours. Normally such actions are categorically excluded from further review under paragraph L61of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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).

Documents mentioned in this NPRM as being available in the docket, and public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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 § 100.501T05–0211 to read as follows:

§ 100.501T05–0211 Special Local Regulations, Choptank River, Cambridge, MD

(a) *Locations.* All coordinates reference Datum NAD 1983.

(1) *Regulated area.* All navigable waters within Choptank River and Hambrooks Bay bounded by a line connecting the following coordinates: Commencing at the shoreline at Long Wharf Park, Cambridge, MD, at position latitude 38°34′30″ N, longitude 076°04′16″ W; thence east to latitude 38°34′20″ N, longitude 076°03′46″ W; thence northeast across the Choptank River along the Senator Frederick C. Malkus, Jr. (US–50) Memorial Bridge, at mile 15.5, to latitude 38°35′30″ N, longitude 076°02′52″ W; thence west along the shoreline to latitude 38°35′38″ N, longitude 076°03′09″ W; thence north and west along the shoreline to latitude 38°36′42″ N, longitude 076°04′15″ W; thence southwest across the Choptank River to latitude 38°35′31″ N, longitude 076°04′57″ W; thence west along the Hambrooks Bay breakwall to latitude 38°35′33″ N, longitude 076°05′17″ W; thence south and east along the shoreline to and terminating at the point of origin. The following locations are within the regulated area:

(2) *Race Area.* Located within the waters of Hambrooks Bay and Choptank River, between Hambrooks Bar and Great Marsh Point, MD. The Race Area is within the Buffer Area.

(3) *Buffer Area.* All navigable waters within Hambrooks Bay and Choptank River (with the exception of the Race Area designated by the marine event sponsor) bound to the north by the breakwall and continuing along a line drawn from the east end of breakwall located at latitude 38°35′27.6″ N, longitude 076°04′50.1″ W; thence southeast to latitude 38°35′17.7″ N, longitude 076°04′29″ W; thence south to latitude 38°35′01″ N, longitude 076°04′29″ W; thence west to the shoreline at latitude 38°35′01″ N, longitude 076°04′41.3″ W.

(4) *Spectator Area.* All navigable waters of the Choptank River, eastward and outside of Hambrooks Bay breakwall, thence bound by line that commences at latitude 38°35′28″ N, longitude 076°04′50″ W; thence northeast to latitude 38°35′30″ N, longitude 076°04′47″ W; thence southeast to latitude 38°35′23″ N, longitude 076°04′29″ W; thence southwest to latitude 38°35′19″ N, longitude 076°04′31″ W; thence northwest to and terminating at the point of origin.

(b) *Definitions.* As used in this section—

Buffer Area is a neutral area that surrounds the perimeter of the Course Area within the regulated area described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants or high-speed power boats and spectator vessels or nearby transiting vessels. This area provides separation between a Course Area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Course Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a course area within the regulated area defined by this section.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the ''Thunder on the Choptank'' powerboat races, or otherwise designated by the event sponsor as having a function tied to the event.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

Spectator Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this part.

(c) *Special Local Regulations.* (1) The COTP Maryland-National Capital Region or Event PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Maryland-National Capital Region or Event PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or Event PATCOM believes it necessary to do so for the protection of life or property.

(2) Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) A spectator must contact the Event PATCOM to request permission to either enter or pass through the regulated area. The Event PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, the spectator must enter the designated Spectator Area or pass directly through the regulated area as instructed by Event PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake. A spectator vessel must not loiter within the navigable channel while within the regulated area.

(4) Only participant vessels and official patrol vessels are allowed to enter the buffer area or race area.

(5) A person or vessel that desires to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or Event PATCOM. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the Event PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(6) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event dates and times.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other federal, state, and local agencies.

(e) *Enforcement period.* This section will be enforced from 9 a.m. to 6 p.m. on July 24, 2021, and, from 9 a.m. to 6 p.m. on July 25, 2021.

Dated: June 1, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–11824 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0305]

RIN 1625–AA08

Special Local Regulations; Patuxent River, Solomons, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special local regulation for certain waters of the Patuxent River. This action is necessary to provide for the safety of life on these navigable waters located at Solomons, MD, during a high-speed power boat racing event on August 29, 2021. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Event Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before July 7, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0305 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Coast Guard Patrol Commander
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

The Chesapeake Bay Power Boat Associationon, Inc. of Edgewater, MD, notified the Coast Guard that it will be conducting the Chesapeake Challenge/

Solomons Offshore Grand Prix from 9 a.m. to 5 p.m. on August 29, 2021. The high-speed power boat racing event consists of approximately 60 participating high-performance offshore-type race boats of various classes, 22 to 50 feet in length. The vessels will be competing in a counter-clockwise direction along a marked 3.75-mile long course located on the Patuxent River, between the Governor Thomas Johnson (MD Route 4) Bridge and the West Patuxent Basin at U.S. Naval Air Station Patuxent River, MD. Non-race day practice and testing will be conducted in the waterway from 9 a.m. to 5 p.m. on August 28, 2021. Hazards from the power boat racing event include risks of injury or death resulting from near or actual contact among participant vessels and spectator vessels or waterway users if normal vessel traffic were to interfere with the event. Additionally, such hazards include participants operating near designated navigation channels, as well as operating near approaches to local public boat ramps, private marinas and yacht clubs, and waterfront businesses. The COTP Maryland-National Capital Region has determined that potential hazards associated with the power boat races would be a safety concern for anyone intending to participate in this event and for vessels that operate within specified waters of the Patuxent River.

The purpose of this rulemaking is to protect event participants, non-participants and transiting vessels before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish special local regulations from 8 a.m. through 6 p.m. on August 29, 2021. The regulations would be enforced from 8 a.m. to 6 p.m. on August 29, 2021. The regulated area would cover all navigable waters of the Patuxent River bounded by a line connecting the following points: From the shoreline at the entrance to Third Cove, at position latitude 38°19′53.4″ N, longitude 076°28′36.4″ W; thence south across the Patuxent River to Town Point at latitude 38°19′20.5″ N, longitude 076°28′34.0″ W; thence east and south along the shoreline to latitude 38°18′59.3″ N, longitude 076°28′40.2″ W; thence southeast across the entrance to Town Creek to Thorns Point at latitude 38°18′46.3″ N, longitude 076°28′32.7″ W; thence southeast along the shoreline to the U.S. Naval Air Station Patuxent River West Seaplane Basin Entrance at latitude 38°17′35.0″ N, longitude 076°27′00.2″ W; thence northeast to latitude 38°18′01.0″ N, longitude 076°26′39.0″ W; thence northwest to Solomons Island Approach Light 3 at latitude 38°19′11.0″ N, longitude 076°27′01.8″ W; thence northwest to the shoreline at latitude 38°19′16.0″ N, longitude 076°27′07.0″ W; thence west and north along the shoreline to and terminating at the point of origin. The regulated area is approximately 5,300 yards in length and 2,900 yards in width.

This proposed rule provides additional information about areas within the regulated area and their definitions. These areas include ''Race Area,'' ''Buffer Area'' and ''Spectator Area.''

The proposed size of the regulated area is intended to ensure the safety of life on these navigable waters before, during, and after the high-speed power boat racing event, scheduled to take place from 9 a.m. to 5 p.m. on August 29, 2021. The COTP and the Coast Guard Event PATCOM would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area. When hailed or signaled by an official patrol, a vessel or person in the regulated area would be required to immediately comply with the directions given by the COTP or Event PATCOM. If a person or vessel fails to follow such directions, the Coast Guard may expel them from the area, issue them a citation for failure to comply, or both.

Except for Chesapeake Challenge/Solomons Offshore Grand Prix participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or Event PATCOM before entering the regulated area. Vessel operators would be able to request permission to enter and transit through the regulated area by contacting the Event PATCOM on VHF–FM channel 16. Vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so. A vessel within the regulated area must operate at safe speed that minimizes wake. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a spectator. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign. Official Patrols enforcing this regulated area can be contacted on VHF–FM channel 16 and channel 22A.

If permission is granted by the COTP or Event PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area in a manner that would not endanger event participants or any other craft. A spectator vessel must not loiter within the navigable channel while within the regulated area. Official patrol vessels would direct spectators to the designated spectator area. Only participant vessels and official patrol vessels would be allowed to enter the race area. The Coast Guard would publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event dates and times.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Patuxent River for 10 hours. This waterway supports mainly recreational vessel traffic, which at its peak, occurs during the summer season. Although this regulated area extends across the entire width of the waterway, the rule would allow vessels and persons to seek permission to enter the regulated area, and vessel traffic able to do so safely would be able to transit the regulated area on the western portion of the

waterway away from the event area as instructed by Event PATCOM. Such vessels must operate at safe speed that minimizes wake and not loiter within the navigable channel while within the regulated area. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This proposed rule would 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area for 10 hours. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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.T05–0305 to read as follows:

§ 100.T05–0305 Chessapeake Challenge-Solomons Offshore Grand Prix, Patuxent River, Solomons, MD.

(a) *Locations.* All coordinates are based on datum NAD 1983. (1) *Regulated area.* All navigable waters of the Patuxent River, within an area bounded by a line connecting the following points: From the shoreline at the entrance to Third Cove, at position latitude 38°19′53.4″ N, longitude 076°28′36.4″ W; thence south across the Patuxent River to Town Point at latitude 38°19′20.5″ N, longitude 076°28′34.0″ W; thence east and south along the shoreline to latitude 38°18′59.3″ N, longitude 076°28′40.2″ W; thence southeast across the entrance to Town Creek to Thorns Point at latitude 38°18′46.3″ N, longitude 076°28′32.7″ W; thence southeast along the shoreline to the U.S. Naval Air Station Patuxent River West Seaplane Basin Entrance at latitude 38°17′35.0″ N, longitude 076°27′00.2″ W; thence northeast to latitude 38°18′01.0″ N, longitude 076°26′39.0″ W; thence northwest to Solomons Island Approach Light 3 at latitude 38°19′11.0″ N, longitude 076°27′01.8″ W; thence northwest to the shoreline at latitude 38°19′16.0″ N, longitude 076°27′07.0″ W; thence west and north along the shoreline to and terminating at the point of origin. The race area, buffer area, and spectator area are within the regulated area.

(2) *Race Area.* The race area is a polygon in shape measuring approximately 4,300 yards in length by 1,400 yards in width. The area is bounded by a line commencing at the Solomons Research Pier at position latitude 38°19′02″ N, longitude 076°27′04″ W, thence south to latitude 38°18′09″ N, longitude 076°26′53″ W; thence southwest to latitude 38°18′00″ N, longitude 076°27′25″ W, thence northwest to latitude 38°19′43″ N, longitude 076°28′29″ W; thence northeast to latitude 38°19′54″ N, longitude 076°28′25″ W; thence southeast along the shoreline to and terminating at the point of origin.

(3) *Buffer Area.* The buffer area is a polygon in shape measuring approximately 300 feet in all directions surrounding the entire race area described in the preceding paragraph of this section. The area is bounded by a line commencing at the shoreline at position latitude 38°19′53″ N, longitude 076°28′29″ W; thence southwest to latitude 38°19′43″ N, longitude 076°28′33″ W, thence southeast to latitude 38°17′56″ N, longitude 076°27′27″ W; thence east to latitude 38°18′07″ N, longitude 076°26′49″ W, thence north to latitude 38°19′01″ N, longitude 076°27′00″ W, thence northwest to and then along the Solomons Research Pier to the shoreline at latitude 38°19′05.3″ N, longitude 076°27′11.5″ W; thence west and north along the shoreline to and terminating at the point of origin.

(4) *Spectator Area.* The designated spectator area is a polygon in shape measuring approximately 1,700 yards in length by 200 yards in width. The area is bounded by a line commencing at position latitude 38°19′08″ N, longitude 076°28′12″ W; thence southwest to latitude 38°19′05″ N, longitude 076°28′19″ W, thence southeast to latitude 38°18′20″ N, longitude 076°27′49″ W; thence northheast to latitude 38°18′22″ N, longitude 076°27′43″ W, thence northwest to the point of origin.

(b) *Definitions.* As used in this section—

Buffer Area is a neutral area that surrounds the perimeter of the race area within the regulated area described by this section. The purpose of a buffer area is to minimize potential collision conflicts with marine event participants or high-speed power boats and spectator vessels or nearby transiting vessels. This area provides separation between a race area and a specified Spectator Area or other vessels that are operating in the vicinity of the regulated area established by the special local regulations.

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Race Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a race area within the regulated area defined by this section.

Event Patrol Commander or Event PATCOM means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the ''Chesapeake Challenge/Solomons Offshore Grand Prix'' event, or otherwise designated by the event sponsor as having a function tied to the event.

Spectator means a person or vessel not registered with the event sponsor as participants or assigned as official patrols.

Spectator Area is an area described by a line bound by coordinates provided in latitude and longitude that outlines the boundary of a spectator area within the regulated area defined by this part.

(c) *Special local regulations.* (1) The COTP Maryland-National Capital Region or Event PATCOM may forbid and control the movement of all vessels and persons, including event participants, in the regulated area described in paragraph (a)(1) of this section. When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given by the patrol. Failure to do so may result in the Coast Guard expelling the person or vessel from the area, issuing a citation for failure to comply, or both. The COTP Maryland-National Capital Region or Event PATCOM may terminate the event, or a participant's operations at any time the COTP Maryland-National Capital Region or Event PATCOM believes it necessary to do so for the protection of life or property.

(2) Except for participants and vessels already at berth, a person or vessel within the regulated area at the start of enforcement of this section must immediately depart the regulated area.

(3) A spectator must contact the Event PATCOM to request permission to either enter or pass through the regulated area. The Event PATCOM, and official patrol vessels enforcing this regulated area, can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz). If permission is granted, the spectator must enter the designated Spectator Area or pass directly through the regulated area as instructed by Event PATCOM. A vessel within the regulated area must operate at safe speed that minimizes wake. A spectator vessel

must not loiter within the navigable channel while within the regulated area.

(4) Only participant vessels and official patrol vessels are allowed to enter and remain within the race area.

(5) Only participant vessels and official patrol vessels are allowed to enter and transit directly through the buffer area, in order to arrive at or depart from the race area.

(6) A person or vessel that desires to transit, moor, or anchor within the regulated area must obtain authorization from the COTP Maryland-National Capital Region or Event PATCOM. A person or vessel seeking such permission can contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the Event PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(7) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event dates and times.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other federal, state, and local agencies.

(e) *Enforcement period.* This section will be enforced from 8 a.m. through 6 p.m. on August 29, 2021.

Dated: June 1, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–11883 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0314]

RIN 1625–AA00

Safety Zone; July 4th Holiday Fireworks on the Miles River, St. Michaels, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of the Miles River. This action is necessary to provide for the safety of life on these navigable waters of the Miles River at St. Michaels, MD, on July 3, 2021, (with alternate date of July 4, 2021), during fireworks displays to commemorate the July 4th holiday. This proposed rulemaking would prohibit persons and vessels from being in this safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 22, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0314 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Shaun Landante, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2570, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On May 4, 2021, the Drew Landis Memorial Fireworks Fund, Inc. of St. Michaels, MD, notified the Coast Guard that it will be conducting a fireworks display from 9 p.m. to 9:30 p.m. on July 3, 2021. The fireworks are to be launched from a fireworks barge located in the Miles River, near the entrance to Long Haul Creek, at St. Michaels, MD. In the event of inclement weather, the fireworks display will be scheduled for July 4, 2021. Hazards from the fireworks display include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 420 feet of the fireworks barge.

The Coast Guard is requesting that interested parties provide comments within a shortened comment period of 15 days instead of the typical 30 days for this notice of proposed rulemaking. The Coast Guard believes the 15-day comment period still provides for a reasonable amount of time for interested parties to review the proposal and provide informed comments on it while also ensuring that the Coast Guard has time to review and respond to any significant comments and has a final rule in effect in time for the scheduled event.

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a temporary safety zone for certain navigable waters within the Miles River and would be enforced from 8 p.m. to 10:30 p.m. on July 3, 2021, or if necessary due to inclement weather, from 8 p.m. to 10:30 p.m. on July 4, 2021. The safety zone would cover all navigable waters of the Miles River within 420 feet of a barge in approximate position latitude 38°47′55.10″ N, longitude 076°12′43.75″ W, located at the entrance to Long Haul Creek, at St. Michaels, MD. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9 to 9:30 p.m. on July 3, 2021 fireworks display.

No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, duration, and time-of-day of the safety zone, which would impact a small designated area of the Miles River for a total no more than 2.5

enforcement-hours, during the evening when vessel traffic is normally low. This waterway supports mainly recreational vessel traffic, which at its peak, occurs during the summer season. Moreover, the Coast Guard will issue Local Notices to Mariners and a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones.

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 proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

This proposed rule would 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a temporary safety zone lasting 2.5 total enforcement hours that would prohibit entry within a portion of the Miles River. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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).

Documents mentioned in this NPRM as being available in the docket, and public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0314 to read as follows:

§ 165.T05 –0314 Safety Zone; July 4th Holiday Fireworks on the Miles River, St. Michaels, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of the Miles River, within 420 feet of a fireworks barge in approximate position latitude 38°47′55.10″ N, longitude 076°12′43.75″ W, located at the entrance to Long Haul Creek, at St. Michaels, MD.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This safety zone will be enforced from 8 p.m. to 10:30 p.m. on July 3, 2021. If necessary due to inclement weather on July 3, 2021, it will be enforced from 8 p.m. to 10:30 p.m. on July 4, 2021.

Dated: June 1, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021–11820 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0274]

RIN 1625–AA00

Safety Zone; Cumberland River, Mile Markers 128.0–128.3, Clarksville, TN

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for navigable waters on the Cumberland River from mile 128.0 to mile 128.3. The safety zone is needed to protect life and the marine environment from potential hazards created by the Clarksville Independence Day fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 22, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0274 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Third Class Benjamin Gardner and Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Benjamin.t.gardner@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, Purpose, and Legal Basis

The Coast Guard was notified by the Clarksville Parks and Recreation of a proposed 4th of July celebration fireworks event. The event would take place on July 3, 2021 from 10 p.m. to 10:30 p.m. The fireworks would be launched from land, but would have a significant fallout zone over the Cumberland River. The COTP has determined that potential hazards associated with this fireworks display would be a safety concern for anyone within the fallout zone on the Cumblerand River between mile 128.0 to 128.3.

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with the Clarksville Independence Day Celebration fireworks display will be a safety concern, and a temporary safety zone is needed. This propsed rule is needed to protect life and the marine environment in the navigable waters within the temporary safety zone during the fireworks display.

The purpose of this proposed rulemaking is to ensure the safety of life and the navigable waters within a .3 mile span of the river where the fireworks will be fired during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

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 as the temporary safety zone has to be established by July 3 to provide for the safety of life on these navigable waters.

III. Discussion of Proposed Rule

This proposed rule would establish a safety zone from 10 p.m. until 10:30 p.m. on July 3, 2021. The proposed temporary safety zone would cover all navigable waters of the Tennessee River between miles 128.0 to 128.3. The duration of the zone is intended to protect life and the marine environment on these navigable waters during the fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated

representative. Persons or vessels seeking to enter the safety zone must request permission from the COTP or a designated representative on VHF–FM radio channel 16 or phone at 1–800–253–7465. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on 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 NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The proppsed safety zone would last for only thirty minutes, after which time vessels will be able to transit freely. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This proposed rule would 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 proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 30 minutes that would prohibit entry within 0.3 miles of the Cumberland River. Normally such actions are categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the

docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0274 to read as follows:

§ 165T08–0274 Safety Zone; Cumberland River, Mile Markers 128.0–128.3, Clarksville, TN.

(a) *Location. The following area is a safety zone: All navigable waters of* he Cumberland River from mile marker 128.0 to mile marker 128.3.

(b) *Period of enforcement.* This rule will be enforced from 10 p.m. until 10:30 p.m. on July 3, 2021.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

(2) Persons and vessels permitted to enter the safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

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

Dated: May 20, 2021.

A.M. Beach,

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

[FR Doc. 2021–11884 Filed 6–4–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0366; FRL–10024–78–Region 9]

Air Plan Approval; California; San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the San Diego County Air Pollution Control District (SDCAPCD or District) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from gasoline transfers into underground stationary storage tanks at gasoline dispensing facilities. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before July 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0366 at *https://www.regulations.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.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Rebecca Newhouse, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3004 or by email at *newhouse.rebecca@epa.gov.*

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

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SDCAPCD	61.3.1	Transfer of Gasoline into Stationary Underground Storage Tanks.	March 1, 2006	August 9, 2017.[1]

On February 9, 2018, the submittal for Rule 61.3.1 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved Rule 61.3: Transfer of Volatile Organic Compounds Into Stationary Storage Tanks (revised October 16, 1990) into the SIP on June 30, 1993 (58 FR 34906). Rule 61.3 applies to gasoline transfers into aboveground and underground stationary storage tanks at gasoline dispensing facilities (GDFs). SDCAPCD adopted a separate rule, Rule 61.3.1, to update requirements for gasoline transfers to underground storage tanks at GDFs on March 1, 2006, and CARB submitted the rule to the EPA on August 9, 2017.

C. What is the purpose of the submitted rule?

Emissions of VOCs contribute to the production of ground-level ozone, smog, and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. SIP-approved Rule 61.3 regulates emissions from gasoline transfers at GDFs. Rule 61.3.1, adopted in 2006, further limits VOC emissions from gasoline transfers into underground storage tanks at GDFs, and requires underground storage tanks at GDFs to have CARB-certified vapor recovery systems meeting a vapor control efficiency of 98% and CARB-certified and vapor tight components including poppetted dry breaks and fittings. Rule 61.3.1 includes requirements for weekly and monthly inspections, and expanded source testing and recordkeeping requirements beyond the requirements included in Rule 61.3. The District's reasonably available control technology (RACT) analysis for the 2008 8-hr ozone National Ambient Air Quality Standard (2008 RACT SIP) states that, ''[w]hile Rule 61.3 applies to both aboveground and underground storage tanks, Rule 61.3.1 applies only to underground storage tanks. Consequently, Rule 61.3.1 supplements, but does not replace Rule 61.3, as RACT for Stage I vapor recovery . . . .''[2]

On December 3, 2020 (85 FR 77996), the EPA partially disapproved SDCAPCD's 2008 RACT SIP for the source category covering the ''Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations'' (EPA–450/R–75–102) Control Techniques Guidelines (CTG). We refer hereafter to this CTG as the ''Stage I Gasoline Transfer CTG.'' The EPA's August 10, 2020 proposal states that, ''. . . Rule 61.3.1, which regulates sources in this category, was not properly noticed, and is thus not approvable. The District intends to re-notice Rule 61.3.1, which together with [Rule] 61.3 would establish current RACT for this category.''[3]

The SDCAPCD submitted a supplement to the original submittal of Rule 61.3.1, which was transmitted by CARB to the EPA on December 28, 2020, and included updated public notice documentation that cured the public notice deficiency from the original submittal of Rule 61.3.1.[4]

The EPA's TSD has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require reasonably available control technology (RACT) for each category of sources covered by a CTG document as well as each major source of VOCs in ozone nonattainment areas classified as moderate or above (see CAA section 182(b)(2)). The SDCAPCD regulates an ozone nonattainment area classified as a ''Serious'' nonattainment area for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) and a ''Moderate'' nonattainment area for the 2015 8-hour ozone NAAQS (see 40 CFR 81.305). Therefore, this rule must implement RACT. As this rule regulates only a subset of the sources covered by the CTG, our action evaluates whether Rules 61.3 and 61.3.1 together implement RACT for the entire Stage I Gasoline Transfer CTG source category.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation, and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations,'' EPA–450/R–75–102, November 1975.

B. Does the rule meet the evaluation criteria?

This rule is consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. Specifically, the rule requirements sufficiently ensure that affected sources and regulators can consistently evaluate and determine compliance. Additionally, our analysis finds that Rule 61.3.1 and Rule 61.3 together represent current RACT for the Stage I Gasoline Transfer CTG, because the rules are more stringent than the CTG, and are generally consistent with requirements in other air districts for gasoline transfers into stationary storage tanks at GDFs. Lastly, Rule 61.3.1 will

[1] The District supplemented its submittal by providing additional proof of public notice, submitted by CARB to the EPA on December 28, 2020. Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John W. Busterud, Regional Administrator, EPA, Region IX, transmitting the proof of public notice in The Daily Transcript, and Minute Order No.1 from the SDCAPCD Board hearing on October 14, 2020.

[2] SDCAPCD, ''2008 Eight-Hour Ozone Reasonably Available Control Technology Demonstration for San Diego County,'' December 2016, 2–4.

[3] 85 FR 48127, 48131.

[4] Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John W. Busterud, Regional Administrator, EPA, Region IX, transmitting the proof of public notice in The Daily Transcript, and Minute Order No.1 from the SDCAPCD Board hearing on October 14, 2020.

not interfere with any applicable requirements of the CAA. The TSD has more information on our evaluation.

C. The EPA's Recommendations To Further Improve the Rule

Our TSD for this action recommends several amendments to Rule 61.3.1, for consideration by the District the next time the rule is revised. Specifically, our TSD recommends amending the definition of ''vapor leak,'' removing language authorizing the use of the most current version of a specified ASTM test method, and adding a reference to the specific section of the California Code of Regulations that lists relevant vapor recovery system defects. Our TSD has more information regarding these recommendations.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because it fulfills all relevant requirements. Additionally, because the District corrected the procedural deficiency preventing Rule 61.3.1's approval into the SIP and we are now proposing such approval, and because our analysis confirms that Rules 61.3.1 and 61.3 satisfy RACT requirements for sources covered by the Stage I Gasoline Transfer CTG, we propose to find that SDCAPCD has rectified the deficiency identified in our partial disapproval of the District's 2008 RACT SIP submittal with respect to the Stage I Gasoline Transfer CTG. If finalized, this action will stop the sanction and federal implementation plan clocks for this CTG source category. We will accept comments from the public on this proposal until July 7, 2021. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the 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, the EPA is proposing to incorporate by reference the SDCAPCD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://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).

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 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 proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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 Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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).

List of Subjects in 40 CFR Part 52

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

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

Dated: June 1, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–11891 Filed 6–4–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0341; FRL–10024–59–Region 9]

Severe Area Submission Requirements for the 2008 Ozone NAAQS; California; Eastern Kern Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In the Rules and Regulations section of this **Federal Register**, the Environmental Protection Agency (EPA) is granting a request by the California Air Resources Board (CARB or ''State'') to voluntarily reclassify the Eastern Kern nonattainment area (''Eastern Kern'') from ''Serious'' to ''Severe'' for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) under section 181(b)(3) of the Clean Air Act (CAA). In this action, the EPA is proposing a schedule for the State to submit revisions to the state implementation plan (SIP) addressing Severe area requirements and to submit revisions to the title V operating permit rules for this area. Under the EPA's proposed schedule, California would be required to submit SIP revisions addressing Severe area requirements for Eastern Kern, including revisions to New Source Review (NSR) rules, no later than 18 months from the effective date of the EPA's final rule reclassifying Eastern Kern to Severe. Submittal of any corresponding revisions to the title V rules that apply in Eastern Kern would be due within six months of the effective date of the reclassification. Lastly, the EPA is proposing a deadline for implementation of new Reasonably

Available Control Technology (RACT) rules as expeditiously as practicable but no later than 18 months from the date when the Severe area RACT SIP will be due.

DATES: Comments must be received on or before July 7, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0341 at *https://www.regulations.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*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, 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://www.epa.gov/dockets/commenting-epa-dockets.* 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: Ben Leers, Air Planning Office (AIR–2), EPA Region IX, (415) 947–4279, *Leers.Benjamin@epa.gov.*

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

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I. Background

In March 2008, the EPA strengthened the primary and secondary eight-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm (''2008 ozone NAAQS'').[1] In accordance with section 107(d) of the CAA, the EPA must designate an area ''nonattainment'' if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. With respect to the ozone NAAQS, the EPA further classifies nonattainment areas as ''Marginal,'' ''Moderate,'' ''Serious,'' ''Severe,''[2] or ''Extreme,'' depending upon the ozone design value for an area.[3] See CAA section 181(a)(1). As a general matter, higher classified ozone nonattainment areas are subject to a greater number of, and more stringent, CAA planning requirements than lower classified areas but are allowed more time to attain the ozone NAAQS. See, generally, subpart 2 of part D of title I of the CAA.

Effective July 20, 2012, the EPA designated and classified the Eastern Kern area[4] under the CAA as Marginal nonattainment for the 2008 8-hour ozone NAAQS.[5] EPA's classification of Eastern Kern as a Marginal ozone nonattainment area established a requirement that the area attain the 2008 ozone NAAQS as expeditiously as practicable, but no later than three years from the date of designation as nonattainment, *i.e.,* July 20, 2015. Under CAA section 181(b)(2), the EPA is required to determine whether an area attained the ozone NAAQS by the applicable attainment date. In May 2016, the EPA found that Eastern Kern failed to attain the 2008 ozone NAAQS by the July 20, 2015 Marginal attainment date and reclassified the area as Moderate for the 2008 ozone NAAQS with a new maximum attainment date of July 20, 2018.[6]

On October 25, 2017, CARB submitted the ''Eastern Kern Air Pollution Control District 2017 Ozone Attainment Plan for the Federal 75 ppb 8-Hour Ozone Standard'' (''the Eastern Kern 2017 Ozone Plan''), which included a request for voluntary reclassification of the Eastern Kern ozone nonattainment area from Moderate to Serious. Effective August 6, 2018, the EPA granted CARB's request and reclassified the Eastern Kern ozone nonattainment area as Serious for the 2008 ozone NAAQS with a new maximum attainment date of July 20, 2021.[7]

By letter dated May 15, 2021, CARB submitted a request from the Eastern Kern Air Pollution Control District (''District'') to the EPA to voluntarily reclassify the Eastern Kern ozone nonattainment area from Serious to Severe for the 2008 8-hour ozone NAAQS.[8] In the Rules and Regulations section of this **Federal Register**, the EPA is granting California's request and reclassifying the Eastern Kern area from Serious to Severe nonattainment for the 2008 8-hour ozone NAAQS. In this action, we are proposing a schedule for the State to submit the plan elements for a Severe ozone nonattainment area.

II. Severe Area Requirements and Proposed Schedule

In this action, we are proposing to require the State to submit SIP revisions to address the requirements resulting from the EPA's reclassification of Eastern Kern to Severe nonattainment for the 2008 ozone NAAQS by no later than 18 months from the effective date of the EPA's final rule reclassifying Eastern Kern to Severe. Under this proposal, the State's submittal(s) would need to include a Severe area plan that addresses the requirements of CAA section 182(d) as well as revisions to the NSR rules applicable to the area. We are also proposing a schedule for submittal of revised title V rules within six months of the effective date of the EPA's final reclassification rule as explained in greater detail below.

A. Severe Area Plan Requirements

CARB must submit SIP revisions for Eastern Kern that satisfy the general air quality planning requirements under CAA section 172(c) and specific requirements for Severe areas under

[1] 73 FR 16436 (March 27, 2008).

[2] Throughout this document, we use the term ''Severe'' to refer to Severe areas that have up to 15 years to attain the ozone standards. The ozone area designation tables in 40 CFR part 81 specify ''Severe-15'' to distinguish such areas from ''Severe-17'' areas, which are Severe areas that have up to 17 years to attain the ozone standards.

[3] For the 2008 ozone NAAQS, the design value at each monitoring site is the annual fourth-highest daily maximum 8-hour average ozone concentration, averaged over three years. The design value for an area is the highest design value among the monitoring sites.

[4] Kern County is located in the southern-most portion of California's Central Valley. The western portion of Kern County is part of the San Joaquin Valley air basin and is included within the San Joaquin Valley ozone nonattainment area. The eastern portion of Kern County is part of the Mojave Desert air basin. The Eastern Kern ozone nonattainment area covers the eastern portion of the county excluding Indian Wells Valley. For more detail on the boundaries of the Eastern Kern ozone nonattainment area, see the 2008 ozone table in 40 CFR 81.305.

[5] 77 FR 30088 (May 21, 2012).

[6] 81 FR 26697 (May 4, 2016).

[7] 83 FR 31334 (July 5, 2018).

[8] Letter dated May 15, 2021, from Richard W. Corey, Executive Officer, CARB, to Deborah Jordan, Acting Regional Administrator, EPA Region IX. In the letter, CARB also requests reclassification of Eastern Kern to Serious for the 2015 ozone NAAQS. The EPA will take action on the reclassification request with respect to the 2015 ozone NAAQS in a separate rulemaking.

CAA section 182(d), as interpreted and described in the final SIP Requirements Rule for the 2008 ozone NAAQS. See 40 CFR 51.1100 *et seq*.

For areas initially designated Severe, the CAA and the EPA's ozone SIP Requirements Rules (SRR) for the 2008 ozone NAAQS [9] generally provide, depending on the element, up to four years from the date of designation to submit the required SIP elements to the EPA. The statutory deadline for all SIP submissions for areas initially designated as Severe for the 2008 ozone NAAQS was July 20, 2016 (excluding the CAA section 185 fee program). Because the deadlines for areas initially designated as Severe have passed (except for the CAA section 185 fee program), the EPA is invoking its general CAA section 301(a) authority to propose a new deadline of 18 months from the effective date of the final rule reclassifying Eastern Kern as Severe for the State to submit SIP revisions addressing the Severe area requirements for Eastern Kern.

For ozone areas reclassified by operation of law under CAA section 181(b)(2) from Moderate to Serious, we have generally established 12-month SIP submission deadlines.[10] However, we find that an 18-month schedule for submittal of SIP revisions is appropriate for reclassifications from Serious to Severe given the longer interval to the maximum attainment date associated with areas reclassified to Severe as compared to areas reclassified to Serious. That is, the maximum attainment dates extend from six to nine years from the effective date of designation for areas reclassified from Moderate to Serious, but from nine to 15 years for areas reclassified from Serious to Severe.[11] Therefore, we find that providing a longer period for submittal of SIP revisions addressing Severe area requirements for Eastern Kern is appropriate and allows CARB and the District to finish reviews of available control measures, adopt revisions to necessary control strategies, address other SIP requirements and complete the public notice process necessary to adopt and submit timely SIP revisions. Lastly, while the deadline for submittal of the CAA section 185 fee program for areas originally classified as Severe has not yet expired, we are proposing the same schedule for submittal of the CAA section 185 fee program for Eastern Kern as for the other Severe area SIP requirements to assure consistency among the required submissions.

With respect to implementation of new RACT controls in Eastern Kern, we are proposing that such controls be implemented as expeditiously as practicable, but no later than 18 months from the date when the Severe area RACT SIP will be due, *i.e.,* 36 months from the effective date of the EPA's final rule reclassifying Eastern Kern to Severe (assuming we finalize the proposed 18-month schedule for submittal). We believe that such an implementation deadline appropriately balances the necessity of providing sources sufficient time to come into compliance with the new RACT controls while also ensuring that RACT controls are in place in time to provide for attainment consistent with the overarching goal of improving air quality as quickly as possible to improve public health outcomes.

B. NSR and Title V Program Revisions

In section II.A of this proposed rule, we are proposing a deadline of no later than 18 months from the effective date of EPA's final rule reclassifying Eastern Kern to Severe for submittal of revised District NSR rules as a SIP revision. The District NSR rules for Eastern Kern must be revised to reflect the Severe area definitions for new major sources and major modifications and to increase the offset ratios for these sources consistent with CAA section 182(d)(2). Under CAA section 182(d)(2), the volatile organic compound and oxides of nitrogen offset ratios for major sources and modifications in a Severe nonattainment area must be at least 1.3 to 1, or at least 1.2 to 1 if the plan requires all existing major sources in the nonattainment area to use best available control technology.

The District must also make any changes in its title V operating permits program for Eastern Kern necessary to reflect the change in the major source threshold from 50 tons per year for Serious areas to 25 tons per year for Severe areas. We are proposing a deadline of six months from the effective date of reclassification to Severe for the District to submit the required title V revisions. Given the narrow scope of the required revisions, we consider a deadline of six months from the effective date of reclassification as a sufficient period of time to allow the District to make the required changes without imposing a lengthy delay in the requirement for sources newly subject to the title V program to submit a timely application.[12]

C. Federal Reformulated Gasoline

The Clean Air Act requires that the sale of conventional gasoline be prohibited in any ozone nonattainment area that is reclassified as Severe, resulting in federal reformulated gasoline (RFG) being sold in any such area.[13] The prohibition on the sale of conventional gasoline takes effect one year after the effective date of the reclassification to Severe. California law requires the sale of California Phase 3 RFG (CaRFG3) throughout the state, and the EPA has exempted gasoline fuel meeting the CaRFG3 regulations from the requirements that would otherwise apply under the federal RFG regulations.[14] We issued this exemption because we found that gasoline complying with the CaRFG3 regulations provides emissions benefits equivalent to federal RFG regulations and because California's compliance and enforcement program is sufficiently rigorous to assure that the standards are met.[15] Thus, reclassification of Eastern Kern to Severe does not impact the continued applicability of California's regulations that require the sale of CaRFG3 in the Eastern Kern area. Should California's regulations no longer apply in the future, the EPA's RFG regulations would apply in keeping with the CAA. In a separate action, the EPA would add Eastern Kern to the list of federal RFG covered areas in 40 CFR part 1090.

III. Proposed Action and Request for Public Comment

For the reasons provided above, the EPA is proposing to establish a deadline of no later than 18 months from the effective date of the final rule reclassifying Eastern Kern as Severe for the State of California to submit SIP revisions addressing all Severe area SIP elements for the Eastern Kern ozone nonattainment area. We are proposing to establish a deadline of six months for any necessary revisions to the title V rules for the Eastern Kern area. The EPA is proposing a deadline for implementation of new RACT controls as expeditiously as practicable but no later than 18 months from the effective

[9] The EPA promulgated the SRR for the 2008 ozone NAAQS at 40 CFR part 52, subpart AA.

[10] See, *e.g.,* 75 FR 79302 (Dec. 20, 2010) (Dallas-Ft. Worth, Texas, reclassification to Serious for the 1997 8-hour ozone NAAQS); 69 FR 16483 (March 30, 2004) (Beaumont-Port Arthur, Texas, reclassification to Serious for the 1979 1-hour ozone NAAQS); 68 FR 4836 (Jan. 30, 2003) (St. Louis, Missouri, reclassification to Serious for the 1979 1-hour ozone NAAQS).

[11] 40 CFR 51.1103.

[12] A source newly subject to the title V permit program is required to submit a title V application within 12 months after the source becomes subject to the program. See 40 CFR 70.5(a)(1)(i).

[13] See the definitions of ''covered area,'' ''conventional gasoline,'' and ''reformulated gasoline'' in CAA section 211(k)(10).

[14] 40 CFR 1090.625. See also 85 FR 78412 at 78430, footnote 70 (December 4, 2020).

[15] 70 FR 75914 (December 21, 2005).

date of the date when the Severe area RACT SIP will be due, *i.e.,* 36 months from the effective date of the EPA's final rule reclassifying Eastern Kern to Severe (assuming we finalize the proposed 18-month schedule for submittal). We will accept comments from the public on this proposed rule for the next 30 days. The deadline and instructions for submission of comments are provided in the **DATES** and **ADDRESSES** sections at the beginning of this preamble.

IV. Statutory and Executive Order Reviews

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. Because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, the timing of the submittal of the Severe area requirements does not impose a materially adverse impact under Executive Order 12866. For these reasons, this proposed action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and that this proposed rule 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), because the EPA is seeking comment solely on the timing of submittal requirements.

Executive Order 13175 (65 FR 67249, November 9, 2000) requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that 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.'' There are no Indian reservation lands or other areas where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction within the Eastern Kern ozone nonattainment area, and thus, this proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175.

This proposed action also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This proposed action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This proposed rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because the EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

As this proposal would set a deadline for the submittal of CAA required plans and information, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA believes that this action, which addresses the timing for the submittal of Severe area ozone planning requirements, does not have disproportionately high and adverse human health or environmental health effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898.

List of Subjects in 40 CFR Part 52

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

Dated: May 27, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–11706 Filed 6–4–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R10–RCRA–2021–0142; FRL–10023–45–Region 10]

Hazardous Waste Management System; Proposed Exclusion for Identifying and Listing Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) (also, ''the Agency'' or ''we'' in this preamble) is proposing technical amendments to an existing exclusion from the list of federal hazardous waste (delisting) issued to the United States Department of Energy (Energy) under the Resource Conservation and Recovery Act. These modifications address changes to the 200-Area Effluent Treatment System associated with the delisting necessary to accept liquid effluents expected to be generated from vitrification of certain low-activity mixed wastes at the Hanford Federal Facility, or Hanford Site, in Richland, Washington.

DATES: Comments must be received on or before July 7, 2021. Requests for an informal hearing must reach the EPA by June 22, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2021–0142 via *www.regulations.gov:* Follow the on-line instructions for submitting comments. Due to restrictions related to COVID–19, submission of comments via mail or hand delivery is not feasible at this time.

Instructions: Direct your comments to Docket ID No. EPA–R10–RCRA–2021–0142. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless

the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any physical media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Any person may request an informal hearing on this proposed decision by filing a request with Timothy Hamlin, Director, Land, Chemicals and Redevelopment Division, EPA, Region 10, 1200 6th Ave., Suite 155, M/S 15–H04, Seattle, Washington 98101. The request must contain the information prescribed in 40 Code of Federal Regulations CFR 260.20(d).

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *www.regulations.gov.* Due to restrictions related to COVID–19, docket materials are not available in hard copy form at this time. If you have further questions concerning docket materials, we recommend you telephone Dr. David Bartus at (206) 553–2804.

FOR FURTHER INFORMATION CONTACT: Dr. David Bartus, EPA, Region 10, 1200 6th Avenue, Suite 155, M/S 15–H04, Seattle, Washington 98101; telephone number: (206) 553–2804; fax number (206) 553–8509; email address: *bartus.dave@epa.gov.*

As discussed in Section V of this document, the Washington State Department of Ecology is evaluating the Petitioner's request for this modification under state authority. Information on Ecology's action may be found at *https://ecology.wa.gov/Waste-Toxics/Nuclear-waste/Public-comment-periods.*

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Overview Information
II. Background
A. Hanford's 200 Area Effluent Treatment Facility
B. Hanford's Waste Treatment and Immobilization Plant
C. Changes to 200 Area Effluent Treatment Facility Capability
III. The EPA's Evaluation of the Proposed Technical Amendments
A. Addition of Steam Stripping as a New Unit Operation
B. Changes to Treatability Envelope Demonstration Test Requirements
C. Miscellaneous Changes and Updates
IV. When Would the EPA Finalize the Proposed Delisting Modification?
V. How Will This Action Affect States?
VI. Statutory and Executive Order Reviews

I. Overview Information

The EPA is proposing technical amendments to an existing exclusion from the list of federally-listed wastes set forth in 40 Code of Federal Regulations (CFR) 261.33 previously issued to the United States Department of Energy (Energy) for the Hanford Federal Facility, or Hanford Site in Richland, Washington. See 40 CFR part 261, appendix IX, Table 2. This existing exclusion applies to treated effluent generated by Hanford's 200 Area Effluent Treatment Facility (ETF). As described below, these amendments relate to the planned startup of the Hanford Waste Treatment and Immobilization Plant.

Based on our review described in Section III of this document, we propose to approve the requested amendments.

II. Background

A. Hanford's 200 Area Effluent Treatment Facility

The 200 Area ETF is a radioactive aqueous wastewater treatment system located in the 200 East Area of the Hanford Site that provides treatment for a variety of aqueous mixed waste. This aqueous waste includes process condensate from the 242–A Evaporator, Hanford landfill leachates, and other aqueous waste generated from onsite remediation and waste management activities, potentially carrying a range of listed and characteristic dangerous waste numbers.[1] The 200 Area ETF consists of a primary and a secondary treatment train. The primary train includes treatment processes to treat both organic and inorganic waste constituents, including ultraviolet oxidation (UV/OX), reverse osmosis, ion exchange, pH adjustment and filtration. The secondary treatment train manages backwash from the primary treatment train filters, ion exchange regeneration, and the stream from the reverse osmosis system that is retained by the reverse osmosis membrane, also known as retentate. Construction of the 200 Area ETF began in 1992 with waste management operations beginning in November of 1995.

Treated effluent from the 200 Area ETF is discharged to the State Approved Land Disposal Site, or SALDS, located north of the 200 West Area of the Hanford Site. This disposal unit allows tritium remaining in the treated effluent to naturally decay in the subsurface—it is not authorized to accept dangerous waste. To this end, the EPA issued an exclusion from the list of hazardous wastes to Energy in 1995. See 60 FR 6054, February 1, 1995. This exclusion was amended by the EPA in 2005. See 70 FR 44496, August 3, 2005.

B. Hanford's Waste Treatment and Immobilization Plant

The Waste Treatment and Immobilization Plant (WTP) is intended to process and stabilize much of the 56 million gallons of radioactive and chemical waste currently stored at the Hanford Site. As originally envisioned, the WTP would treat high-level and low-activity radioactive waste simultaneously. To begin treating waste as soon as practicable, Energy developed an approach to treat low-activity waste prior to the start-up of the WTP pre-treatment and the high-level waste facilities. This approach is called direct-feed low-activity waste, or DFLAW, and is focused on sending low-activity waste from the tank farms directly to the WTP Low-Activity Waste (LAW) Facility. A new Effluent Management Facility (EMF) has been constructed at the WTP to manage effluents generated from the WTP LAW Facility during DFLAW. The EMF is needed to evaporate the liquid secondary waste generated by the off-gas

[1] The Washington State Department of Ecology is authorized to implement their dangerous waste regulations at Washington Administrative Code (WAC) 173–303 in lieu of the federal hazardous waste system, except for certain requirements, such as the state counterparts to the federal delisting regulations at 40 CFR 260.20 and 22. Under the dangerous waste program, dangerous wastes are a superset of federal hazardous wastes.

treatment system associated with the two WTP LAW Facility vitrification melters. Evaporator process condensate from the EMF, combined with WTP LAW Facility caustic scrubber effluents, will receive treatment at the 200 Area ETF, with the resulting treated effluent disposed of at the SALDS. The waste stream transferred from WTP to the 200 Area ETF is referred to as the WTP DFLAW effluent waste stream.

C. Changes to 200 Area Effluent Treatment Facility Capability

Through the design and permitting of the WTP complex, Energy identified several additional constituents it expected to be present in WTP DFLAW effluent waste stream which are not typically found in wastes managed by the 200 Area ETF, or are present at levels above the current capabilities of the 200 Area ETF. Most of these additional constituents are within the existing treatment capabilities of the 200 Area ETF, and do not require special consideration. One constituent, acetonitrile, which is formed in the WTP LAW Facility vitrification melters, is predicted to be present at levels in excess of the current capability of the 200 Area ETF, as reflected in the current organic treatability envelope documented in Table C–2 of the delisting petition dated November 29, 2001. Within the 200 Area ETF, the UV/OX system treats organic compounds, including but not limited to acetonitrile. However, acetonitrile is not easily degraded through UV/OX. Table C–2 in the November 29, 2001 petition shows an electrical energy per order (EE/O) of magnitude destruction of 50. EE/O reflects the relative difficulty for destruction of the organic constituent in the UV/OX unit. Constituents in Table C–2 with an EE/O of 40 or higher are considered hard to treat organics. After examining various options for addressing this issue, Energy determined that the addition of supplemental organic treatment in the form of a steam stripper to the 200–ETF to separate acetonitrile from treated effluents would be the preferred approach to ensuring additional constituents associated with the WTP DFLAW effluent waste stream can be effectively managed at the 200 Area ETF.

To accommodate the addition of the proposed steam stripper unit to the 200 Area ETF, two technical amendments are necessary to the current delisting. First, the list of unit operations in Condition (1)(d)(iv) of the current delisting must be amended to include steam stripping. Second, a new condition is necessary to establish a mechanism whereby Energy can operate the 200 Area ETF outside of the existing treatability envelope to gather demonstration test data to increase the treatability envelope concentration for acetonitrile to accommodate the predicted level in the WTP DFLAW effluent waste stream.

III. The EPA's Evaluation of the Proposed Technical Amendments

A. Addition of Steam Stripping as a New Unit Operation

In support of its request to modify the existing 200 Area ETF delisting, Energy has provided the EPA with an engineering report documenting the design and expected level of performance of the proposed steam stripper (docket entries EPA–R10–RCRA–2021–0142–DRAFT–0003 and EPA–R10–RCRA–2021–0142–DRAFT–0005). These reports include both a detailed process flow diagram for, and results of process simulation of the proposed steam stripper. This information provides assurance that, if the steam stripper is added to the 200 Area ETF primary treatment train, the overall treatment system can effectively treat the expected WTP DFLAW effluent waste stream and allow for successful verification of all existing delisting criteria, including but not limited to acetonitrile. Energy must also receive authorization to construct and operate the proposed supplemental organic treatment system from the Washington State Department of Ecology through their authorized dangerous waste permitting program, as well as other applicable state permits.

B. Changes to Treatability Envelope Demonstration Test Requirements

The existing 200 Area ETF delisting rule includes a mechanism, documented in Condition (1)(b), that allows Energy to modify the 200 Area ETF treatability envelope specified in Tables C–1 and C–2 of the November 29, 2001 delisting petition to reflect changes in treatment technology or operating practices upon written approval of the Regional Administrator. As stated in the rule, ''Data supporting modified envelopes must be based on at least four influent waste stream characterization data points and corresponding treated effluent verification sample data points for wastes managed under a particular waste processing strategy.'' This mechanism will be used to expand the existing treatability envelope for acetonitrile but will require operation of the 200 Area ETF outside the existing approved treatability envelope, which is otherwise not provided for in the delisting rule. To address this issue, the EPA is proposing to include a new condition (1)(c) that establishes a mechanism that will allow operation outside of the approved treatability envelope for purposes of gathering demonstration test data to amend the treatability envelope at a later time.

The purpose of this new mechanism is to allow the EPA an opportunity to perform a forward-looking technical evaluation of how the 200 Area ETF will be operated during the demonstration test in order to support a finding that, to a reasonable degree of certainty, delisting exclusion limits can be satisfied during the demonstration test. This mechanism requires Energy to provide the EPA with an engineering report and a demonstration test plan. The engineering report must document that the 200 Area ETF can be reasonably expected to produce treated effluent during the period of interim approval which satisfies the delisting levels in Condition (5).[2] The engineering report shall include, but is not limited to, engineering calculations, process modelling results, or performance data provided by equipment manufacturers. The demonstration test plan will complement the engineering report by documenting the composition of the waste feed to be used during the demonstration test, how the demonstration test will be conducted, how demonstration test sampling and analysis will be conducted, and a schedule for conducting the demonstration test.

The EPA will review these submittals to determine whether the demonstration test will yield data suitable for establishing an expanded treatability envelope for the target constituents, and that delisting exclusion limits will be satisfied during the demonstration test. Provided that this review demonstrates that these criteria can be met to a reasonable degree of certainty, the EPA will provide written interim approval to Energy to proceed with the demonstration test according to the approved demonstration test plan. The effect of interim approval shall be limited to relief from the requirement of operating within the treatability envelope specified in Tables C–1 and C–2 of the November 29, 2001 delisting petition, as amended, during the period of demonstration testing. Once demonstration test data are available, Energy will then submit a completion

[2] In practice, the engineering report expected to be submitted in connection with a proposed demonstration treatment plan is likely to be similar, if not identical to the engineering report included in the docket supporting this proposed modification of the existing 200 Area ETF delisting.

report. The EPA's written approval of the completion report shall be considered approval of the modified treatability envelope pursuant to Condition (1)(b).

C. Miscellaneous Changes and Updates

The EPA is also proposing to make several minor changes to address typographical errors, amend section numbering to reflect addition of a new condition, and to amend selected references to treatability envelopes in Tables C–1 and C–2 that may be updated to accommodate WTP DFLAW effluent waste stream to include the phrase ''as amended.'' The EPA is also correcting certain references to Tables C–1 and C–2 to properly characterize their function as defining inorganic and organic treatability envelope data.

IV. When would the EPA finalize the proposed delisting modification?

40 CFR 260.20(c) requires the EPA to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, the EPA will not make a final decision or grant an exclusion until it has addressed all timely public comments on today's proposal, including any at public hearings.

Since this proposed rule is limited to technical amendments that apply to future activities, and is limited to a specific process and waste stream at the Hanford Site, the regulated community does not need a six-month period to come into compliance in accordance with section 3010(b) of RCRA, as amended by the Federal Hazardous and Solid Waste Amendments of 1984.

V. How will this Action affect states?

Because the EPA is proposing to issue this exclusion under the federal RCRA delisting regulations, only states subject to federal RCRA delisting provisions will be affected. This exclusion may not be effective in states which have received authorization from the EPA to make their own delisting decisions.

The EPA allows states to impose their own non-RCRA regulatory requirements that are more stringent than the EPA's, under section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a federally issued exclusion from taking effect in the state. We urge petitioners to contact their state regulatory authorities to establish the status of their wastes under their respective state laws.

The EPA has also authorized some states to administer a delisting program in place of the federal program, that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states. If the Petitioner manages the waste in any state with delisting authorization, the Petitioner must obtain delisting authorization or other determination from the receiving state before it can manage the waste as nonhazardous in that state.

While Washington State has received final authorization to implement most of its dangerous waste program regulations in lieu of the federal program, including the listing and identification of listed waste codes associated with the petitioned wastes, it has not been authorized to implement its delisting regulations program in lieu of the federal program. The EPA notes that Washington State has provisions in the Washington Administrative Code (WAC) 173–303–910(3) similar to the federal provisions upon which this delisting is based. These provisions are in effect as a matter of state law. Thus, the Petitioner must seek approval from Washington State at the state level in addition to this proposed delisting.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This proposed action is exempt from review by the Office of Management and Budget because it is a proposed rule of particular applicability, not general applicability. The proposed action addresses modifications to an existing delisting petition under RCRA for the petitioned waste at a particular facility.

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it only applies to a particular facility.

C. Regulatory Flexibility Act

Because this proposed rule is of particular applicability relating to a particular facility, it is not subject to the regulatory flexibility provision of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

D. Unfunded Mandates Reform Act

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

E. Executive Order 13132: Federalism

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

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

This proposed action does not have tribal implications as specified in Executive Order 13175. This proposed action applies only to a particular facility on non-tribal land. Thus, Executive Order 13175 does not apply to this action.

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

This proposed action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

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

I. National Technology Transfer and Advancement Act

This proposed action does not involve technical standards as described by the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

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

The EPA has determined that this proposed action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples. The EPA has determined that this proposed action will not have

disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

K. Congressional Review Act

This proposed action is exempt from the Congressional Review Act (5 U.S.C. 801 *et seq.*) because it is a rule of particular applicability.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

Timothy Hamlin,

Director, Land, Chemicals and Redevelopment Division.

For the reasons set out in the preamble, the EPA proposes to amend 40 CFR part 261 as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 2. In Appendix IX to Part 261, amend Table 2, under the entry ''United States Department of Energy (Energy)'' by:

■ a. Revising Conditions (1)(a)(i) and (ii), and (1)(b);

■ b. Redesignating Conditions (1)(c) and (d) as Conditions (1)(d) and(e);

■ c. Adding a new Conditions (1)(c);

■ d. Revising the newly designated Conditions (1)(e)(iv); and

■ e. In Conditions (5) under the entry for ''Organic Constituents'' by:

■ i. Removing the entry ''Dichloroisopropyl ether'' and adding an entry ''Dichloroisopropyl ether—6.0×10^{-2}'' in its place; and

■ ii. Removing the entry ''[Bis(2-Chloroisopropyl) either]—6.0×10^{-2}; and

■ ii. Removing the entry ''Arochlor [total of Arochlors 1016, 1221, 1232, 1242, 1248, 1254, 1260]—5.0×10^{-4}'' and adding an entry ''Aroclor [total of Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260]—5.0×10^{-4} in its place.

The revisions and additions read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

* * * * *

TABLE 2—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* *	* *	* * *
United States Department of Energy (Energy).	Richland, Washington	* * *
	.....	Conditions: (1) * * * (a) * * * (i) Complete sufficient characterization of the waste stream to demonstrate that the waste stream is within the treatability envelope of 200 Area ETF as specified in Tables C–1 and C–2 of the delisting petition dated November 29, 2001, as amended. Results of the waste stream characterization and the treatability evaluation must be in writing and placed in the facility operating record, along with a copy of Tables C–1 and C–2 of the November 29, 2001 petition, as amended. Waste stream characterization may be carried out in whole or in part using the waste analysis procedures in the Hanford Facility RCRA Permit, WA7 89000 8967; (ii) Prepare a written waste processing strategy specific to the waste stream, based on the ETF process model documented in the November 29, 2001 petition, the March 31, 2021 modification request, and Tables C–1 and C–2 of the November 29, 2001 petition, as amended. For waste processing strategies applicable to waste streams for which organic envelope data is provided in Table C–2 of the November 29, 2001 petition, as amended, Energy shall use envelope data specific to that waste stream, if available. Otherwise, Energy shall use the minimum envelope in Table C–2. (b) Energy may modify the 200 Area ETF treatability envelope specified in Tables C–1 and C–2 of the November 29, 2001 delisting petition, as amended, to reflect changes in treatment technology or operating practices upon written approval of the Regional Administrator. Requests for modification shall be accompanied by an engineering report detailing the basis for a modified treatment envelope. Data supporting modified envelopes must be based on at least four influent waste stream characterization data points and corresponding treated effluent verification sample data points for wastes managed under a particular waste processing strategy. Treatment efficiencies must be calculated based on a comparison of upper 95 percent confidence level constituent concentrations. Upon written EPA approval of the engineering report, the associated inorganic and organic treatment efficiency data may be used in lieu of those in Tables C–1 and C–2 for purposes of condition (1)(a)(i).

TABLE 2—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(c) Where operation of the 200 Area ETF for purposes of gathering data supporting a modified treatability envelope pursuant to Condition (1)(b) requires operation outside of an existing treatability envelope or where a new treatability envelope is to be proposed, Energy may request interim approval to conduct such demonstration testing for purposes of developing a new or modified treatability envelope. Such a request must include the following documentation: (i) An Engineering Report documenting the basis for a modified treatability envelope. The Engineering Report shall, based on best available information, document that operation of the 200 Area ETF during the period of interim approval can be reasonably expected to produce treated effluent satisfying the delisting levels in Condition (5). The Engineering Report shall include, but is not limited to, engineering calculations, process modelling results, or performance data provided by equipment manufacturers; (ii) A demonstration test plan documenting the following: (A) The quantity and characterization of the waste stream to be used in conducting demonstration testing, and information that will be included in the waste processing strategy required by Condition (1)(a)(ii) for the demonstration testing. The test plan shall document, to a reasonable degree of certainty, that data gathered from the demonstration testing will be suitable for use in modifying the treatability envelope pursuant to Condition (1)(b). The test plan may include provisions for ''spiking'' the demonstration test waste feed to ensure that a waste feed meeting the requirements of the test plan is available; (B) A sampling and analysis plan with supporting systematic planning documentation (*e.g.*, Data Quality Objectives) and with an associated Quality Assurance Project Plan, for all sampling and analysis specific to the demonstration testing. A minimum of four independent sample sets over the course of the demonstration test are required from both the influent to the 200 Area ETF and the effluent to the verification tanks; (C) A schedule for conducting the demonstration testing. The demonstration testing schedule may be based on functional criteria in addition to or in lieu of fixed calendar dates. The testing schedule may contain contingencies for revising the test plan should additional testing be required to obtain the required performance data points. Energy may not commence demonstration testing until written interim approval is obtained from the Regional Administrator. The effect of interim approval shall be limited to relief from the requirement of operating within the treatability envelope specified in Tables C–1 and C–2 of the November 29, 2001 delisting petition, as amended, during the period of demonstration testing. Interim approval shall remain in effect only for the duration of the demonstration testing as documented in the required testing schedule. Within 60 days following completion of demonstration testing, or such other time as may be approved in writing by the EPA, Energy shall submit a written completion report documenting analysis of data gathered during the demonstration test. Energy may request an extension of interim approval for the period of time between completion of the demonstration testing and final approval of the modified treatability envelope. The EPA may approve amendments to the demonstration test plan, including the associated schedule, as necessary to successfully complete demonstration testing. The EPA's written approval of the completion report shall be considered approval of the modified treatability envelope pursuant to Condition (1)(b).
*	* * *	* * *
		(e) * * * (iv) Key unit operations are defined as filtration, UV/OX, reverse osmosis, ion exchange, steam stripping, and secondary waste treatment.
*	* * *	* * *
		(5) * * * Dichloroisopropyl ether—6.0×10^{-2}

TABLE 2—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
*	*	*
		Aroclor [total of Aroclors 1016, 1221, 1232, 1242, 1248, 1254, 1260]—5.0×10^{-4}
*	*	*

* * * * *

[FR Doc. 2021–11341 Filed 6–4–21; 8:45 am]

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1180

[Docket No. EP 282 (Sub-No. 21)]

Petition for Rulemaking—Railroad Consolidation Procedures—Exemption for Emergency Temporary Trackage Rights

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) grants a petition filed by the Association of American Railroads (AAR) to initiate a rulemaking proceeding to establish a new class exemption for emergency temporary trackage rights. The Board also proposes certain other related changes to the class exemptions for trackage rights and temporary trackage rights.

DATES: Comments are due by July 12, 2021. Reply comments are due by August 11, 2021.

ADDRESSES: Comments and replies may be filed with the Board via e-filing and will be posted to the Board's website at *www.stb.gov*.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe at (202) 245–0376. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On October 9, 2020, AAR filed a petition requesting that the Board initiate a rulemaking proceeding to establish a new emergency temporary trackage rights class exemption that could be invoked in specific situations and would allow emergency temporary trackage rights to take effect immediately, without need for the 30-day notice requirement under 49 CFR 1180.4(g)(1). On November 4, 2020, Samuel J. Nasca, for and on behalf of SMART-Transportation Division-New York State Legislative Board (SMART/TD–NY), filed a reply in opposition to AAR's petition.

On February 5, 2020, after considering the petition and reply, the Board granted AAR's petition to initiate a rulemaking proceeding to establish a new emergency temporary trackage rights class exemption. The rule proposed here, which is set forth below, differs in some respects from AAR's request, as explained below. The Board also proposes certain other related changes to the class exemptions for trackage rights and temporary trackage rights, also explained below.

Background

Pursuant to 49 U.S.C. 11323(a)(6), prior Board approval is required for a rail carrier to acquire trackage rights over a rail line owned or operated by another rail carrier. Under 49 U.S.C. 11324(d), the Board is required to approve trackage rights applications unless it finds that: (1) As a result of a transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and (2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

Under 49 U.S.C. 10502, the Board is directed, to the maximum extent consistent with 49 U.S.C. subtitle IV part A, to exempt a person, class of persons, or a transaction or service from regulation whenever it finds that: (1) Regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope or regulation is not needed to protect shippers from an abuse of market power.

The Board may exempt not only a single transaction but also an entire class of transactions that meets the exemption criteria of 49 U.S.C. 10502. A class exemption for transactions otherwise subject to Board licensing does not place those transactions beyond the Board's jurisdiction; rather, it is a means by which a carrier may obtain Board authorization without going through the otherwise-applicable full licensing process.[1]

In 2003, the Board adopted a class exemption at 49 CFR 1180.2(d)(8) for temporary overhead trackage rights of not more than one year in duration. *See R.R. Consolidation Procs.—Exemption for Temp. Trackage Rts.,* EP 282 (Sub-No. 20) (STB served May 23, 2003), modified (STB served May 17, 2004). Under 49 CFR 1180.4(g)(1), exemptions sought under § 1180.2(d)(8) (and various other class exemptions under § 1180.2(d)) cannot become effective until at least 30 days after a railroad files a verified notice of the transaction. As a result, when a railroad seeks to have a temporary trackage rights exemption become effective in less than 30 days, the railroad must petition for waiver of the 30-day period. In such cases, in addition to serving and publishing the notice of the exemption in the **Federal Register**, the Board also issues a separate decision acting on the waiver request and setting the effective date of the exemption. *See, e.g., Union Pac. R.R.—Temp. Trackage Rts. Exemption—BNSF Ry.,* FD 36424 et al. (STB served Aug. 10, 2020) (granting a waiver of the 30-day notice period for a trackage rights exemption under § 1180.2(d)(8) and setting effective date); *Ala. & Gulf Coast Ry.—Temp. Trackage Rts. Exemption—Kan. City S. Ry.,* FD 36418 (STB served July 2, 2020) (same).

AAR's Requested Exemption. AAR asks the Board to initiate a rulemaking to create a new emergency temporary trackage rights class exemption. Under AAR's request, the 30-day notice requirement under 49 CFR 1180.4(g)(1) would not apply to individual exemptions sought under the new exemption provision; the temporary trackage rights would take effect immediately upon publication of a notice of the transaction by the Board in the **Federal Register**, which, according to AAR, would take place within 5 days of a party's filing of a verified notice of exemption. (Pet., App. A at §§ 1180.2(d)(9), 1180.4(g)(5)(ii).) As requested by AAR, the temporary trackage rights could be requested for a

[1] Exemptions may be revoked, in whole or in part, pursuant to 49 U.S.C. 10502(d).

period of no more than six months; however, the requestor could, prior to expiration of that period, seek a renewal for up to six additional months. (*Id.* at App. A at § 1180.2(d)(9).)

Under AAR's request, to qualify for the new exemption, a rail carrier would be required to provide certain information regarding the transaction that is required for other notices of exemption under 49 CFR part 1180 and the trackage rights would have to be: (1) Based on written agreements; (2) not filed or sought in responsive applications in rail consolidation proceedings; (3) for overhead operations only; and (4) as certified by the rail carrier, sought in response to a track outage expected to last more than seven days and where there is no reasonable alternative for maintaining pre-outage service levels. (*See id.,* App. A at §§ 1180.2(d)(9), 1180.4(g)(5)(i).) Every 30 days during the initial exemption period, the rail carrier would be required to recertify to the Board that the outage continues to exist and the temporary trackage rights continue to be necessary to maintain service. (*Id.,* App. A at § 1180.2(d)(9).) AAR further requests that, as under the existing class exemption for temporary trackage rights, rail carriers availing themselves of the proposed class exemption would not need to file for discontinuance authority at the end of the authorized period, (*Id.,* App. A at § 1180.2(d)(9)), and would be subject to applicable statutory labor protective conditions.[2]

AAR argues that the current two-step approach for obtaining temporary trackage rights without having to wait 30 days for them to become effective is inefficient, and asserts that its proposed class exemption would benefit shippers, railroads, and the Board by providing a streamlined and simple approach for obtaining temporary trackage rights in emergency situations, ensuring the continued flow of commerce without any decrease in regulatory oversight. (Pet. 1–4.)

As noted above, on November 4, 2020, SMART/TD–NY filed comments opposing AAR's petition. SMART/TD–NY argues that the Board should deny AAR's petition and decline to institute a rulemaking proceeding because an emergency temporary trackage rights exemption is unwarranted given the existing trackage rights exemptions and because the proposed exemption would threaten rail safety. (SMART/TD–NY Reply 3–4.) SMART/TD–NY states that detour arrangements in the railroad industry provide for pilot employees from the landlord carrier to provide guidance for the tenant carrier's operation in emergency situations. (*Id.* at 4.) According to SMART/TD–NY, the proposed exemption would allow for the ''immediate cessation of detour operation[s]'' or even the avoidance of detour operations altogether and thereby allow operation solely by tenant carrier personnel unfamiliar with the line over which the trackage rights have been granted. (*Id.*)

The Statutory Exemption Criteria

As noted above, 49 U.S.C. 10502 directs the Board to exempt a person, class of persons, or a transaction or service from regulation whenever it finds that: (1) Regulation is not necessary to carry out the RTP; and (2) either the transaction or service is of limited scope or regulation is not needed to protect shippers from an abuse of market power.

The Board agrees that the current process for obtaining temporary trackage rights in emergency situations can be inefficient, and notes that petitions for waiver of the 30-day notice requirement are routinely granted. *See, e.g., Union Pac. R.R.,* FD 36424 et al., slip op. at 2 (granting a waiver of the 30-day notice period); *Ala. & Gulf Coast Ry.,* FD 36418, slip op. at 2 (same). A class exemption for emergency temporary trackage rights, as proposed below, would meet the requirements of section 10502 and would advance the RTP in several ways. It would provide for the expeditious handling and resolution of proceedings, 49 U.S.C. 10101(15), and encourage the efficient management of railroads, 49 U.S.C. 10101(9), by making the process of obtaining temporary trackage rights in emergencies more efficient by eliminating the need for a waiver of the 30-day notice period under 49 CFR 1180.4(g)(1) and more predictable by requiring the Board to act within a set number of days. It would also promote the continuation of a sound rail system, 49 U.S.C. 10101(4), and coordination between carriers, 49 U.S.C. 10101(5), by facilitating the process of line repair and approval of trackage rights agreements.

The class exemption proposed in this decision is limited in scope, in terms of both the duration of the rights and the circumstances in which the exemption would apply. Indeed, the proposed exemption is a more limited form—in terms of both duration and circumstances—of the existing temporary trackage rights exemption, which the Board in 2003 found to be of limited scope. *See R.R. Consolidation Procs.—Exemption for Temp. Trackage Rts.,* 6 S.T.B. 910, 913 n.8 (2003).

Regulation is not needed to protect shippers from an abuse of market power. The proposed class exemption would not reduce competition because the temporary trackage rights would be for overhead operations only, and therefore the competitive status quo would not be altered with respect to service to shippers on the affected lines. In addition, the exemption would benefit shippers by enhancing the ability of carriers to maintain service in emergency situations.

SMART/TD–NY's arguments in opposition to the proceeding here are unpersuasive. The proposed class exemption is warranted because it would make the process of obtaining temporary trackage rights in an emergency more efficient and predictable. Moreover, based on the record to date, the Board does not see merit in SMART/TD–NY's claim that the proposed class exemption would threaten rail safety. This proposal would not alter or impact the existing rail safety operating regulations administered by the Federal Railroad Administration, which is the Federal agency with primary responsibility over rail safety matters. *See, e.g.,* 49 CFR 240.229 (prohibiting a carrier in control of operations on a line from allowing an engineer of a foreign carrier to operate a train on that line without a pilot engineer from the controlling carrier unless the engineer of the foreign carrier has the necessary knowledge of the controlling carrier's operating rules and the necessary familiarity with the physical characteristics of the line).

The Proposed Class Exemption

For the reasons discussed above, and as set forth below, the Board proposes to establish a new class exemption for emergency temporary trackage rights. As explained further below, the Board's proposed rule differs in various respects from AAR's request and includes certain related changes to the existing class exemptions for trackage rights and temporary trackage rights.

Circumstances in which the proposed rule would apply. AAR's requested new class exemption would apply where there is a track outage that is expected to last more than seven days and there is no reasonable alternative to maintain pre-outage levels of service. (Pet., App.

[2] Specifically, the grant of the trackage rights would be subject to the employee protective conditions in *Norfolk & Western Railway—Trackage Rights—Burlington Northern,* 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and the discontinuance of operations would be subject to the employee protective conditions in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). (Pet. 4–5.)

A at § 1180.2(d)(9).) The Board finds that further clarification is needed to ensure that use of the class exemption would be restricted so that it applies only to emergency situations and not to situations where routine temporary trackage rights authority was not sought in a timely manner. Specifically, the Board proposes to require that the new exemption be available only for ''unforeseen'' track outages expected to last more than seven days and there is no reasonable alternative to maintain pre-outage levels of service. Examples of emergency situations that result in such unforeseen track outages include, but are not limited to, natural disasters and accidents or derailments. This clarification appears consistent with AAR's intent. (Pet. 1–3, 9 (describing the need for the exemption in cases of ''unpredictable'' or ''unexpected'' events such as accidents or natural disasters).) The Board also proposes a requirement that, when railroads certify that trackage rights are needed for an unforeseen track outage, the verified notice should provide a description of the situation that includes, to the extent possible, the following information:

1. The nature of the event that caused the unforeseen outage;
2. The location of the outage;
3. The date that the emergency situation occurred;
4. The date the track outage was discovered; and
5. The expected duration of the outage.

Duration of the exemption. AAR requests that the temporary trackage rights would be approved for an initial period of no longer than six months, with the option to request a renewal for an additional six months. The Board's proposal limits the emergency temporary trackage rights to an initial period not to exceed three months, with the option to request a renewal for an additional three months. A review of recent cases in which the Board waived the 30-day notice requirement for temporary trackage rights in emergency situations suggests that trackage rights would rarely be needed for a period longer than three months.[3]

Certification every 30 days. AAR's request would require a rail carrier to certify every 30 days that the track outage continues to exist and that the temporary trackage rights continue to be necessary to maintain service. However, the Board's proposal would not require such certifications. Rather, the Board would only require that the carrier file a notice stating that the outage has been resolved and that trackage rights are no longer needed, as well as the date on which use of the trackage rights ceased, should the track outage be resolved and use of the trackage rights become unnecessary prior to the expiration of the exemption period. Any such notice should be filed within 5 business days of the date on which use of the trackage rights ceased. The Board finds that the reduction of the exemption period from six months to three months, combined with the requirement for parties to inform the Board if use of trackage rights has ceased prior to when the exemption period would have otherwise expired renders the 30-day certifications affirming the continued need for the trackage rights unnecessary.

Effective date of the exemption. AAR requests that exemptions under the new provision become effective immediately upon publication of the Board's notice in the **Federal Register**, which would be required within five days after a verified notice of exemption is filed. However, due to requirements of the **Federal Register** publication process that are outside the Board's control, publication within five days may not be possible in certain situations. For that reason, the Board proposes that the exemption would become effective not upon publication in the **Federal Register** but rather upon service of the Board's notice, which would occur within five days of filing of the railroad's verified notice of exemption.[4] The Board's notice would be published in the **Federal Register** concurrently with service if possible, or as soon thereafter as practicable.

Caption summary. Under AAR's request, parties seeking an exemption under the new § 1180.2(d)(9) would include in its verified notice a caption summary suitable for publication in the **Federal Register** containing certain information regarding the proposed transaction.[5] This requirement mirrors the requirement of a caption summary for exemptions sought under § 1180.2(d)(7) and (d)(8). Originally, the purpose of this requirement was to facilitate **Federal Register** publication by providing the Board with a document that could be published as the Board's notice.[6] However, in practice, caption summaries have not routinely been used for that purpose. Accordingly, the Board proposes not to require a caption summary for exemptions under § 1180.2(d)(9) and to eliminate the existing caption summary requirements for exemptions under § 1180.2(d)(7) and § 1180.2(d)(8). Pursuant to the Board's proposal, the caption summary requirements would be replaced by a requirement that the parties provide in their notices the same information currently required in caption summaries.

Certification regarding interchange commitments. Under § 1180.4(g)(4), parties seeking Board approval for transactions under 49 CFR part 1180 must certify ''whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means.'' On its face, this provision could be read to require such a certification in connection with the emergency temporary trackage rights exemption proposed here.[7]

The Board adopted the interchange commitment certification requirement in *Information Required in Notices &*

[3] *See, e.g., Union Pac. R.R.,* FD 36424, slip op. at 2 (granting waiver of 30-day notice period for trackage rights agreement with a term of a little over one month); *Ala. & Gulf Coast Ry,* FD 36418, slip op. at 1 n.3 (granting waiver of 30-day notice period for trackage rights agreement with a term of just less than two months); Norfolk Southern Railway Company Petition for Waiver 3, *Norfolk S. Ry.—Temp. Trackage Rts. Exemption—Kan. City S. Ry.,* FD 36359 (railroad anticipates that need for trackage rights operations would last for several weeks or months); *Kan. City S. Ry.—Temp. Trackage Rts. Exemption—Norfolk S. Ry.,* FD 36314 et al., slip op. at 1–2 (STB served June 13, 2019) (providing notice of exemption for trackage rights agreement with a term of less than three months); Terminal Railway Alabama State Docks Verified Notice of Exemption at 2, Apr. 27, 2018, *Terminal Ry. Ala. State Docks—Temp. Trackage Rts. Exemption—Norfolk S. Ry.,* FD 36190 (seeking exemption for trackage rights agreement with a term of six months but stating that trackage rights likely only needed for approximately one month).

[4] Under § 1180.4(g), stay petitions for notices filed under § 1180.2(d) must be filed at least 7 days before the exemption becomes effective. The Board proposes to specify that, for notices filed under § 1180.2(d)(9), stay petitions be filed as soon as possible before the exemption becomes effective. Under 49 U.S.C. 10502(d), petitions to revoke the exemption can be filed at any time.

[5] AAR requests to include the caption summary and other requirements under new § 1180.4(g)(5). Many of the requirements in new proposed § 1180.4(g)(5) are duplicative of requirements already contained in § 1180.4(g)(1), which is applicable to all exemptions under § 1180.2(d), including the new proposed § 1180.2(d)(9). Rather than proposing a new § 1180.4(g)(5), as suggested by AAR, the Board proposes to incorporate the requirements of this § into the existing § 1180.4(g)(1) to the extent they are not already contained therein.

[6] The caption summary regulations originally indicated that caption summaries themselves would be published in the **Federal Register**. *R.R. Consolidation Procs.—Exemption for Temp. Trackage Rts.,* EP 282 (Sub-No. 20), slip op. at 9 (STB served May 23, 2003); *R.R. Consolidation Procs.—Trackage Rts. Exemption,* 1 I.C.C. 270, 283 (1985). *See also* 49 CFR 1180.4(g)(2)(i) and (ii) (requiring caption summaries to be ''suitable for publication in the **Federal Register**'').

[7] AAR's request does not address the issue of certification of interchange commitments.

Petitions Containing Interchange Commitments, EP 714 (STB served Sept. 5, 2013). In the notice of proposed rulemaking (NPRM) in that proceeding, the Board did not specifically address the applicability of the interchange certification to trackage rights transactions, though it did cite one previous trackage rights exemption proceeding. *Info. Required in Notices & Pets. Containing Interchange Commitments,* EP 714, slip op. at 4–5, nn.17, 18, 20 (STB served Nov. 1, 2012) (citing *Jackson & Lansing R.R.—Trackage Rts. Exemption—Norfolk S. Ry.,* FD 35418 et al. (STB served Sept. 27, 2011)).[8]

Nor did the final rule in Docket No. EP 714 specifically address the applicability of the interchange commitment certification to railroads obtaining trackage rights. The NPRM refers only to the interchange commitment certification requirement applying to a ''purchaser'' or ''lessee'' railroad. *Info. Required in Notices & Pets. Containing Interchange Commitments,* EP 714, slip op. at 4–6 (STB served Nov 1, 2012). Further, the Board has generally interpreted this requirement as not applying to trackage rights agreements under § 1180.2(d)(7)[9] or § 1180.2(d)(8).[10]

Therefore, the Board proposes to clarify that § 1180.4(g)(4) would not apply to transactions under the proposed new § 1180.2(d)(9). In addition, the Board proposes to clarify that § 1180.4(g)(4) also does not apply to trackage rights transactions under § 1180.2(d)(7) or § 1180.2(d)(8), an issue that has been the cause of some confusion among parties in the past.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. Sections 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, section 603(a), or certify that the proposed rule would not have a ''significant impact on a substantial number of small entities,'' section 605(b). Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

The Board's proposed changes to its regulations here are intended to make the process of obtaining Board approval of temporary trackage agreements in emergency situations more efficient and predictable and do not mandate the conduct of small entities. For the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a ''small business'' as only including those rail carriers classified as Class III rail carriers under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regul. Flexibility Act,* EP 719 (STB served June 30, 2016) (with Board Member Begeman dissenting).[11] Currently, if small entities wish to receive temporary trackage rights in emergency situations, they must file for a notice of exemption in addition to filing a petition for waiver. The proposed rule, if promulgated, provides a more expedited procedural mechanism for carriers to quickly obtain approval for trackage rights in emergency situations without having to obtain a waiver of the 30-day notice period under § 1180.4(g)(1). The regulations require the carrier utilizing the trackage rights to file a notice if the carrier ceases to use the trackage rights prior to when the exemption period would have otherwise expired. However, because such notices would consist of a brief statement that use of the trackage rights has ceased and the date on which use of the trackage rights ceased, the Board does not believe that the burden associated with these notices would outweigh the reduction in burden associated with eliminating the requirement to file a petition for waiver of the 30-day notice period under § 1180.4(g)(1). The Board, therefore, expects the impact of the proposed rule would slightly reduce the paperwork burden for small entities. Accordingly, the economic impact of the proposed rule, if any, would be minimal as the burdens associated with obtaining approval of temporary trackage rights agreements in emergencies would be slightly reduced and the rule would likely provide some economic benefit by expediting, in some cases, the process of approving trackage rights agreements necessary to restore service at pre-outage levels. Therefore, the Board certifies under 5 U.S.C. 605(b) that these proposed rules, if promulgated, would not have a significant economic impact on a substantial number of small entities within the meaning of the RFA. This decision will be served upon the Chief Counsel for Advocacy, Offices of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

Paperwork Reduction Act. Pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3521, Office of Management and Budget (OMB) regulations at 5 CFR 1320.8(d)(3), and in the Appendix, the Board seeks comments about the impact of the revisions in the proposed rule to the currently approved collection of Statutory Licensing Authority (OMB Control Number: 2140–0023), concerning: (1) Whether the collection of information, as modified or added in the proposed rule, and further described below, is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate.

The Board estimates that the proposed requirements would save a total hourly burden of 54 hours per year as compared to the current procedures for obtaining emergency temporary trackage rights involving the filing of verified notice of exemption and a petition for

[8] The *Jackson & Lansing* decision, which embraced three separate proceedings, addressed issues related to an interchange commitment disclosed as part of a lease transaction, not the trackage rights transaction. Further, that decision in several instances referred to interchange commitments being part of lease and sale transactions. *Jackson & Lansing,* FD 35418 et al., slip op. at 6, 7 n.23, 8.

[9] *See, e.g., Grand Trunk W. R.R.—Trackage Rts. Exemption—Norfolk S. Ry.,* FD 36267 (STB served May 16, 2019); *Ind. Rail Road—Trackage Rts. Exemption—CSX Transp., Inc.,* FD 36068 (STB served Oct. 14, 2016); *Ind. Rail Road—Amended Trackage Rts. Exemption—CSX Transp., Inc.,* FD 35283 (Sub-No. 1) (STB served Apr. 28, 2017).

[10] *See, e.g., Ala. & Gulf Coast Ry.—Temp. Trackage Rts. Exemption—Kan. Cty. S. Ry.,* FD 36418; *Union Pac. R.R.—Temp. Trackage Rts. Exemption—Kan. Cty. S. Ry.,* FD 36135 (STB served July 26, 2017); *Allegheny Valley R.R.—Temp. Trackage Rts. Exemption—Norfolk S. Ry.,* FD 36015 (STB served May 6, 2016).

[11] Class III carriers have annual operating revenues of $20 million or less in 1991 dollars or $40,384,263 or less when adjusted for inflation using 2019 data. Class II rail carriers have annual operating revenues of less than $250 million or $504,803,294 when adjusted for inflation using 2019 data. The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds on its website. 49 CFR 1201.1–1; *Indexing the Annual Operating Revenues of R.Rs.,* EP 748 (STB served June 10, 2020).

waiver of the 30-day notice period. The new emergency temporary trackage rights notice would incorporate additional language, resulting in approximately 5% more burden hours to prepare than the average notice of exemption, and it is estimated that two notices regarding the cessation of trackage rights would be filed annually. There are no changes to the estimated non-hourly burdens associated with this collection. The Board welcomes comment on the estimates of actual time and costs of the collection of the proposed emergency trackage rights notices of exemptions, as detailed below in the Appendix. Other information pertinent to this collection is also included in the Appendix. The proposed rule will be submitted to OMB for review as required under 44 U.S.C. 3507(d) and 5 CFR 1320.11. Comments received by the Board regarding these information collections will also be forwarded to OMB for its review when the final rule is published.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

It is ordered:

1. Comments are due by July 12, 2021. Reply comments are due by August 11, 2021.

2. Notice of this decision will be published in the **Federal Register**.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

4. This decision is effective on its service date.

Decided: May 28, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

■ 1. The authority citation for part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 1321, 10502, 11323–11325.

■ 2. Amend § 1180.2 as follows:

■ a. Revise the first sentence of paragraph (d) introductory text;

■ b. In paragraph (d)(8)(iv), remove the words ''49 CFR 1180.4(g)(2)(iii)'' and add in their place the words ''49 CFR 1180.4(g)(1)(ii)'', and remove the words ''these rules'' and add in their place the words ''this paragraph (d)(8)'';

■ c. Add paragraph (d)(9).

§ 1180.2 Types of transactions.

* * * * *

(d) A transaction is exempt if it is within one of the nine categories described in paragraphs (d)(1) through (9). * * *

* * * * *

(9)(i) Acquisition of emergency temporary trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are:

(A) Based on written agreements,

(B) Not filed or sought in responsive applications in rail consolidation proceedings,

(C) For overhead operations only,

(D) Scheduled to expire on a specific date not to exceed three months from the effective date of the exemption, and

(E) Sought in response to an unforeseen track outage and expected to last more than seven days where there is no reasonable alternative to maintain pre-outage levels of service.

(ii) If during the exemption period, the outage is resolved and use of the temporary emergency trackage rights ceases to be necessary to maintain service at pre-outage levels, the rail carrier must file a notice stating that the outage has been resolved and that use of the trackage rights has ceased and identifying the date on which use of the trackage rights ceased. Such a notice should be filed within 5 business days of the date on which use of the trackage rights ceased. The emergency temporary trackage rights authority expires upon the official filing date of the notice. If the operations contemplated by the exemption will not be concluded within the initial exemption period, the rail carrier may, prior to expiration of the period, file a request for a renewal of the temporary rights for an additional period of up to 3 months, including the reason(s) therefor. Rail carriers acquiring temporary trackage rights need not seek authority from the Board to discontinue the trackage rights as of the expiration date specified under § 1180.4(g)(1)(ii). All transactions under this paragraph (d)(9) will be subject to applicable statutory labor protective conditions.

■ 3. Amend § 1180.4 as follows:

■ a. Revise paragraph (g)(1);

■ b. Remove paragraph (g)(2);

■ c. Redesignate paragraphs (g)(3) and (4) as paragraphs (g)(2) and (3);

■ d. Revise newly redesignated (g)(2); and

■ e. Amend newly redesignated (g)(3) by

■ i. Removing the paragraph heading ''*Transactions imposing interchange commitments*'';

■ ii. Revising the first sentence of paragraph (g)(3)(i).

The revisions read as follows:

§ 1180.4 Procedures.

* * * * *

(g) *Notice of exemption.* (1) To qualify for an exemption under § 1180.2(d), a railroad must file a verified notice of the transaction with the Board. Except for verified notices filed under § 1180.2(d)(9), all verified notices under § 1180.2(d) must be filed at least 30 days before the transaction is consummated, indicating the proposed consummation date. Verified notices filed under § 1180.2(d)(9) will become effective upon service of notice of the transaction by the Board. Before a verified notice is filed, the railroad shall obtain a docket number from the Board's Section of Administration, Office of Proceedings.

(i) All notices filed under § 1180.2(d) shall contain the information required in § 1180.6(a)(1)(i)–(iii), (a)(5)–(6), and (a)(7)(ii), and indicate the level of labor protection to be imposed.

(ii) Notices filed under §§ 1180.2(d)(7), 1180.2(d)(8), or 1180.2(d)(9) shall also contain the following information:

(A) The name of the tenant railroad;

(B) The name of the landlord railroad;

(C) A description of the trackage rights, including a description of the track. For notices under § 1180.2(d)(8) and (9), the notice must state that the trackage rights are overhead rights. For notices under § 1180.2(d)(7), the notice must state whether the trackage rights are local or overhead;

(D) The date the trackage rights transaction is proposed to be consummated;

(E) The date temporary trackage rights will expire, if applicable; and

(F) For notices under § 1180.2(d)(9), a description of the situation resulting in the outage in sufficient detail to allow the Board to determine an emergency exits, including, to the extent possible, the nature of the event that caused the unforeseen outage, the location of the outage, the date that the emergency situation occurred, the date the outage was discovered, and the expected duration of the outage.

(iii) Except for notices filed under § 1180.2(d)(9), the Board shall publish a notice of exemption in the **Federal Register** within 16 days of the filing of the notice. For notices filed under § 1180.2(d)(9), the Board shall serve a

notice of exemption on parties of record within 5 days after the verified notice of exemption is filed and shall publish that notice in the **Federal Register**. The publication of notices under § 1180.2(d) will indicate the labor protection required.

(iv) If the notice contains false or misleading information that is brought to the Board's attention, the Board shall summarily revoke the exemption for that carrier and require divestiture.

(v) The filing of a petition to revoke under 49 U.S.C. 10502(d) does not stay the effectiveness of an exemption. Except for notices filed under § 1180.2(d)(9), stay petitions must be filed at least 7 days before the exemption becomes effective. For notices filed under § 1180.2(d)(9), stay petitions should be filed as soon as possible before the exemption becomes effective.

(vi) Other exemptions that may be relevant to a proposal under this provision are codified at 49 CFR part 1150, subpart D, which governs transactions under 49 U.S.C. 10901.

* * * * *

(3)(i) Except for notices filed under § 1180.2(d)(7), (8), or (9), the filing party must certify whether a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''). * * *

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

Appendix

Information Collected Under the Paperwork Reduction Act

As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521, the Surface Transportation Board (Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval for the revision and extension of the currently approved information collection, Statutory Licensing Authority (OMB Control Number: 2140–0023), as described below. The requested revision to the existing, approved collection by this notice of proposed rulemaking (NPRM) is expected to (1) provide parties with an emergency temporary trackage rights exemption (to replace the need for submitting both a notice of exemption and a separate petition for waiver) and (2) in the event that the use of the temporary emergency trackage rights ceases to be necessary during the exemption period, require a short notice stating such.

Description of Collection

Title: Statutory Licensing Authority.

OMB Control Number: 2140–0023.

STB Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents: Rail carriers and non-carriers seeking statutory licensing or consolidation authority or an exemption from filing an application for such authority (including, in some circumstances, a certification regarding whether the transaction at issue imposes interchange commitments).

Number of Respondents: 80.

Total Burden Hours (annually including all respondents): 4,203 (sum of estimated hours per response × number of responses for each type of filing, including the increase and decrease in burdens under the NPRM). The tables below show the burden impact of the NPRM, including the (a) current estimates for the existing collection, (b) reduction in estimates due to the NPRM, and (c) increase in estimates due to the NPRM.

As provided in *Table 1—Estimated Average Number of Responses* below, the Board maintains its existing, approved collection of three applications, 12 petitions for exemption, 103 notices of exemption, and four certifications regarding interchange commitments annually based on an actual three-year average (FY 2018–2020) of filings. *Table 1* also shows the expected decrease and increase in filings under the NPRM. Similarly, *Table 2—Estimated Number of Hours per Response* shows both the existing estimated burden hours for each existing response and provides the estimated burdens for the increase and decrease of responses under the NPRM. When multiplied by the number of hours for each type of filing, as provided in *Table 2,* the estimated annual burden hours for 122 responses are 4,203 hours (sum of estimated hours per response × number of responses for each type of filing), as shown in *Table 3—Total Estimated Annual Burden Hours.*

Frequency: On occasion.

TABLE 1—ESTIMATED AVERAGE NUMBER OF RESPONSES

Type of filing	Average number of filings per year
Existing filings:	
Applications	3
Petitions	12
Notices	103
Interchange commitments certifications	4
Reductions in filings—Proposed:	
Notices (previously used)	(2)
Petitions for waiver (no longer necessary)	(2)
Additions in filings—Proposed:	
New Notices (emergency trackage rights exemptions)	2
New notices regarding cessation of trackage rights	2
Total estimated filings	122

TABLE 2—ESTIMATED NUMBER OF HOURS PER RESPONSE

Type of filing	Number of hours per response
Existing filings:	
Applications	524
Petitions	58
Notices	19
Interchange commitments certifications	8
Reductions in filings—Proposed:	
Notices (previously used)	(19)
Petitions for waiver (no longer necessary)	(29)

TABLE 2—ESTIMATED NUMBER OF HOURS PER RESPONSE—Continued

Type of filing	Number of hours per response
Additions in filings—Proposed:	
New Notices (emergency trackage rights exemptions)	20
New notices regarding cessation of trackage rights	1

TABLE 3—TOTAL ESTIMATED ANNUAL BURDEN HOURS

Type of filing	Hours per response	Annual number of filings	Total annual burden hours
Existing filing:			
Applications	524	3	1,572
Petitions	58	12	696
Notices	19	103	1,957
Interchange commitments	8	4	32
Total Existing Annual Burden Hours			4,257
Reductions in filings—Proposed:			
Notices (previously used)	(19)	2	(38)
Petitions for waiver (no longer necessary)	(29)	2	(58)
Additions in filings—Proposed:			
New Notices (emergency trackage rights exemptions)	20	2	40
New notices regarding cessation of trackage rights	1	2	2
Total new annual burden hours			4,203

Total ''Non-hour Burden'' Cost: Because Board collections are submitted electronically to the Board, there is no cost for filing with the Board. However, for some filings, respondents may be required to send consultation letters to various other governmental agencies. Copies of these letters are part of an environmental and historic report that must be filed with this collection (unless waived by the Board). Because some of these other agencies may require hard copy letters, there may be some limited mailing costs, which staff estimates in total to be approximately $1,750.

Needs and Uses: As mandated by Congress, persons seeking to construct, acquire, or operate a line of railroad and railroads seeking to abandon or to discontinue operations over a line of railroad or, in the case of two or more railroads, to consolidate their interests through merger or a common-control arrangement are required to file an application for prior approval and authority with the Board. *See* 49 U.S.C. 10901–03, 11323–26. Under 49 U.S.C. 10502, persons may seek an exemption from many of the application requirements of §§ 10901–03 and §§ 11323–26 by filing with the Board a petition for exemption or notice of exemption in lieu of an application. The collection by the Board of these applications, petitions, and notices (including collection of disclosures of rail interchange commitments under 49 CFR 1121.3(d), 1150.33(h), 1150.43(h), and 1180.4(g)(4)) enables the Board to meet its statutory duty to regulate the referenced rail transactions. In cases in which the requests for authority involve agreements with interchange commitments that may limit the future interchange of traffic with third parties, certain information must be disclosed to the Board about those commitments. 49 CFR 1121.3(d), 1150.33(h), 1150.43(h), 1180.4(g)(4). The collection of this information facilitates the case-specific review of interchange commitments and enables the Board's monitoring of their usage generally.

[FR Doc. 2021–11889 Filed 6–4–21; 8:45 am]

BILLING CODE 4915–01–P

Notices

Federal Register

Vol. 86, No. 107

Monday, June 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

June 2, 2021.

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

Comments regarding this information collection received by July 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.

Food and Nutrition Service

Title: Best Practices in Disaster Supplemental Nutrition Assistance Program (D–SNAP) Operations and Planning.

OMB Control Number: 0584–NEW.

Summary of Collection: The Food and Nutrition Act of 2008, as amended in 2014, provides the legislative authority for the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) to administer the Supplemental Nutrition Assistance Program (SNAP). Section 17 of the Food and Nutrition Act of 2008 provides FNS the authority to conduct research to help improve the administration and effectiveness of SNAP.

Need and Use of the Information: The primary purpose of this voluntary, one-time data collection is to identify best practices in D–SNAP planning and operations from across the country and for a variety of disaster types. FNS seeks to better understand best practices in D–SNAP planning and operations across disaster types, administrative contexts, and geographic locations. This study will culminate in a written report describing D–SNAP operations and planning, including best practices, lessons learned, and challenges, in the five (5) study States for ten (10) recent D–SNAPs. FNS will use the findings from the study to inform and update guidance and technical assistance to State agencies. State agencies may also use the study findings to improve their D–SNAP planning and operations.

Description of Respondents: Individuals/Households (56) Business-for-not-for-Profit (56) State, Local, or Tribal Government (129).

Number of Respondents: 241.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 487.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–11875 Filed 6–4–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0022]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Emergency Management Response System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the Emergency Management Response System.

DATES: We will consider all comments that we receive on or before August 6, 2021.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2021–0022 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2021–0022, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Emergency Management Response System (EMRS), contact Dr. Fred Bourgeois, EMRS National Coordinator, National Preparedness and Incident Coordination, Strategy and Policy, VS, APHIS, 4700 River Road, Unit 41,

Riverdale, MD 20737–1236; (318) 288–4083. For more detailed information on the information collection, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Emergency Management Response System.

OMB Control Number: 0579–0071.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to protect the health of U.S. livestock and poultry populations by preventing the introduction and interstate spread of diseases and pests of livestock and by eradicating such diseases from the United States when feasible.

The Emergency Management Response System (EMRS) is a web-based system that helps APHIS manage and investigate potential incidents of foreign animal diseases in the United States.

When a potential foreign animal disease incident is reported, APHIS or State animal health officials dispatch a foreign animal disease veterinary diagnostician to the premises of the reported incident to conduct an investigation. The diagnostician obtains vital epidemiological data by conducting field investigations, including sample collection, and by interviewing the owner or manager of the premises being investigated. These important data, submitted electronically by the diagnostician into EMRS, include such items as the purpose of the diagnostician's visit and suspected disease, type of operation on the premises, the number and type of animals on the premises, the number of sick or dead animals on the premises, the results of physical examinations of affected animals and necropsy examinations, vaccination information on the animals in the herd or flock, biosecurity practices at the site, whether any animals were recently moved out of the herd or flock, whether any new animals were recently introduced into the herd or flock, the number and kinds of test samples taken, and detailed geographic data concerning the premises location. EMRS allows these epidemiological and diagnostic data to be documented and transmitted more efficiently.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 1 hour per response.

Respondents: Owners or operators of livestock and poultry facilities and State animal health officials.

Estimated annual number of respondents: 158.

Estimated annual number of responses per respondent: 156.

Estimated annual number of responses: 24,703.

Estimated total annual burden on respondents: 24,703 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 2nd day of June 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–11831 Filed 6–4–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Community Forest and Open Space Program

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with revision of a currently approved information collection, Community Forest and Open Space Program.

DATES: Comments must be received in writing on or before August 6, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed:

Email: SM.FS.CFP@usda.gov.

Mail: Steve Koehn, Director, Cooperative Forestry Staff, Forest Service, USDA, Mail Stop 1123, 1400 Independence Avenue SW, Washington, DC 20250–1123.

Please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *scott.stewart@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Scott Stewart, Program Manager, State and Private Forestry, Cooperative Forestry Staff, 202–205–1618. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Community Forest and Open Space Program.

OMB Number: 0596–0227.

Expiration Date of Approval: December 31, 2021.

Type of Request: Renewal with revisions of a currently approved information collection.

Abstract: The Forest Service is authorized to implement the Community Forest and Open Space Program (CFP) under Section 8003 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246; 122 Stat. 2043; 7 U.S.C. 8701), which amends the Cooperative Forestry Assistance Act of

1978 (16 U.S.C. 2103d). The purpose of the Community Forest Program is to achieve community benefits through grants to local governments, Tribal Governments, and qualified nonprofit organizations to establish community forests by acquiring and protecting private forestlands. The information requirements will be used to help the Forest Service in the following areas: (1) To determine that the applicant is eligible to receive funds under the program, (2) to determine if the proposal meets the qualifications in the law and regulations, (3) to evaluate and rank the proposals based on a standard, consistent information; and (4) to determine if the project costs are allowable and sufficient cost share is provided.

Local governmental entities, Tribal Governments, and qualified nonprofit organizations are the only entities eligible for the program, and therefore are the only organizations from which information will be collected.

The information collection currently required for a request for proposals and grant application is approved and has been assigned the OMB Control No. 0596–0227.

Estimated Annual Number of Respondents: 50.

Estimated Burden per Response: 24 hours.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50.

Estimated Total Annual Burden on Respondents: 1,200 hours.

Comment is Invited: Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request for Office of Management and Budget approval.

Jaelith Hall-Rivera,

Acting Deputy Chief, State & Private Forestry.

[FR Doc. 2021–11885 Filed 6–4–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–21–MFH–0008]

Notice of Solicitation of Applications for the Section 533 Housing Preservation Grants for Fiscal Year 2021

Correction

In notice document 2021–11564 appearing on pages 29555–29560 in the issue of June 2, 2021, make the following correction:

On page 29555, in the second column, under the **DATES** heading, in the fifth line, ''July 7, 2021'' should read ''July 19, 2021''.

[FR Doc. C1–2021–11564 Filed 6–4–21; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2021]

Foreign-Trade Zone (FTZ) 136—Brevard County, Florida; Notification of Proposed Production Activity; Airbus OneWeb Satellites North America LLC (Satellites and Satellite Systems); Merritt Island, Florida

Airbus OneWeb Satellites North America LLC (Airbus OneWeb) submitted a notification of proposed production activity to the FTZ Board for its facility in Merritt Island, Florida. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 26, 2021.

Airbus OneWeb already has authority to produce satellites for commercial, private, and military applications within FTZ 136. The current request would add a finished product and foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Airbus OneWeb from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Airbus OneWeb would be able to choose the duty rate during customs entry procedures that applies to unfinished satellites—modules of communication satellites (duty-free). Airbus OneWeb would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Adhesives of silicone; propulsion piping of nickel alloy steel; assorted steel fasteners—shanks (less than 6mm diameter); threaded articles of bronze or brass; support stands of hall effect thrusters; magnetotorquers; thermistors; cylindrical electrical plugs, sockets, or connectors for cables or wires; electrical sockets or connectors; star tracker connection boxes; and, solar array panels (duty rate ranges from duty-free to 6.2%). The request indicates that certain materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 19, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: June 1, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–11830 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–026, C–570–027]

Certain Corrosion-Resistant Steel Products From the People's Republic of China: Negative Final Determination of Circumvention Involving South Africa

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain corrosion-resistant steel products (CORE), completed in South Africa using carbon hot-rolled steel (HRS) and/or cold-rolled steel (CRS) flat products (substrate) sourced from the People's Republic of China (China) (merchandise subject to these inquiries), are not circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on CORE from China at this time.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Griffith, 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) 482–6430.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2020, Commerce published in the **Federal Register** its preliminary determination [1] that imports of CORE completed in South Africa are not circumventing the *China CORE Orders* at this time.[2] A summary of events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Orders

The products covered by these orders are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For a complete description of the scope of the orders, *see* the Issues and Decision Memorandum.

Scope of the Anti-Circumvention Inquiries

These anti-circumvention inquiries cover CORE completed in South Africa from HRS and/or CRS substrate input manufactured in China and subsequently exported to the United States (merchandise subject to these inquiries).

Methodology

Commerce is conducting these anti-circumvention inquiries in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act). *See* Preliminary Decision Memorandum for a full description of the methodology.[4] We have continued to apply this methodology, and incorporate by reference this description of the methodology, for our final determination.[5]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice at the Appendix.

Based on our analysis of the comments received from interested parties, we made no revisions to the *Preliminary Determination.*

Final Negative Determination of Circumvention

We determine that imports of CORE completed in South Africa are not circumventing the *China CORE Orders* at this time.

Notification Regarding Administrative Protective Order

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

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.225(f).

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Orders
IV. Scope of the Anti-Circumvention Inquiries
V. Verification
VI. Changes Since the Preliminary Determination
VII. Statutory Framework
VIII. Statutory Analysis
IX. Discussion of the Issues
Comment: Whether Commerce Should Conduct an On-Site Verification of Duferco Steel Processing PTY Ltd.'s Questionnaire Responses
X. Recommendation

[FR Doc. 2021–11855 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Corrosion-Resistant Steel Products from the People's Republic of China: Negative Preliminary Determination of Circumvention Involving South Africa,* 85 FR 8844 (February 18, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (collectively, *China CORE Orders*).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Anti-Circumvention Inquiries Involving the Republic of South Africa of the Antidumping and Countervailing Duty Orders on Certain Corrosion-Resistant Steel Products from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Preliminary Decision Memorandum.

[5] *See* Issues and Decision Memorandum.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–059]

Pressure Sensitive Plastic Tape From Italy: Final Results of Sunset Review and Revocation of Antidumping Duty Finding

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

SUMMARY: On March 1, 2021, the Department of Commerce (Commerce)

initiated the fifth sunset review of the antidumping duty finding on pressure sensitive plastic tape (PS tape) from Italy. Because no domestic interested party filed a timely notice of intent to participate in this sunset review, Commerce is revoking this antidumping duty finding.

DATES: Applicable April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3342.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1977, the Department of Treasury issued an antidumping duty finding on PS tape from Italy.[1] Commerce conducted four previous sunset reviews of the *Finding.* Commerce published the final results of those sunset reviews on January 6, 1999;[2] May 11, 2004;[3] August 13, 2009;[4] and July 8, 2015.[5] On April 14, 2016, Commerce published a notice of continuation of the *Finding* following the fourth sunset review.[6] On March 1, 2021, Commerce initiated the fifth sunset review of this *Finding.*[7]

No domestic interested party submitted a notice of intent to participate in this sunset review by the applicable time limit of March 16, 2021, as required by 19 CFR 351.102(d)(1).[8] Pursuant to 19 CFR 351.218(e)(1)(i)(C)(2), on March 23, 2021, Commerce notified the International Trade Commission that it intended to issue a final determination revoking this antidumping duty finding.[9]

Scope of the Finding

The products covered by the *Finding* are shipments of PS tape measuring over one and three-eighths inches in width and not exceeding four mils in thickness. The above described PS tape is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 3919.90.10.20 and 3919.90.50. The HTSUS subheadings are provided for convenience and for customs purposes. The written description remains dispositive.

Determination to Revoke

Pursuant to 19 CFR 351.218(d)(1)(iii)(B), if no domestic interested party files a notice of intent to participate under paragraph (d)(1) of that section, Commerce will issue a final determination revoking the order or terminating the suspended investigation not later than 90 days after the date of publication in the **Federal Register** of the Notice of Initiation.[10] In turn, 19 CFR 351.218(d)(1)(i) establishes a time limit for domestic interested parties to file a notice of intent to participate in response to a notice of initiation, which is 15 days after the date of publication in the **Federal Register** of the notice of initiation. In this case, the notice of initiation was published in the **Federal Register** on March 1, 2021; therefore, the deadline to file an intent to participate was March 16, 2021. As noted above, Commerce did not receive a notice of intent to participate from any domestic interested party by March 16, 2021.

Because no domestic interested party timely filed a notice of intent to participate in this sunset review, Commerce finds that no domestic interested party has responded to the notice of initiation of this sunset review under 751(c)(3)(A) of the Tariff Act of 1930, as amended (the Act).[11] Therefore, consistent with the section 751(c)(3)(A) of the Act, 19 CFR 351.218(d)(1)(iii)(B)(3), and 19 CFR 351.222(i)(1)(i), we are revoking the antidumping duty finding on PS tape from Italy.

Effective Date of Revocation

Pursuant to 19 CFR 351.222(i)(2)(i), the effective date of revocation is April 14, 2021, which is the fifth anniversary of the date of publication in the **Federal Register** of the most recent notice of continuation of this antidumping duty finding.[12] Therefore, pursuant to section 751(d)(3) of the Act, Commerce will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this finding entered, or withdrawn from warehouse, on or after April 14, 2021. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. Commerce will complete any pending administrative reviews of this finding and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This notice of revocation is published in accordance with sections 751(c) and 777(i)(1) of the Act and 19 CFR 351.218(d)(1)(iii) and 19 CFR 351.222(i)(1)(i).

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–11853 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping: Pressure Sensitive Plastic Tape Measuring Over One and Three-Eights Inches in Width and Not Exceeding Four Millimeters in Thickness from Italy,* 42 FR 56110 (October 21, 1977) (*Finding*). Prior to the Trade Agreements Act of 1979 (1979 Act), Public Law 96–39, the Treasury Department issued antidumping ''findings.'' Section 106(a) of the 1979 Act expressly preserved the existing antidumping ''findings'' in the new law and provided that, after January 1, 1980, the Tariff Act of 1930 would be amended to require Commerce to issue antidumping ''orders'' instead of ''findings.''

[2] *See Final Results of Expedited Sunset Review: Pressure Sensitive Plastic Tape from Italy,* 64 FR 853 (January 6, 1999).

[3] *See Pressure Sensitive Plastic Tape from Italy; Final Results of the Second Sunset Review of Antidumping Duty Finding,* 69 FR 26068 (May 11, 2004).

[4] *See Pressure Sensitive Plastic Tape from Italy: Final Results of Expedited Sunset Review,* 74 FR 40811 (August 13, 2009).

[5] *See Pressure Sensitive Plastic Tape from Italy: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Finding,* 80 FR 39054 (July 8, 2015).

[6] *See Pressure Sensitive Plastic Tape from Italy: Continuation of the Antidumping Duty Finding,* 81 FR 22048 (April 14, 2016) (*2016 Continuation Notice*).

[7] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 11928 (March 1, 2021).

[8] On March 17, 2021, domestic interested parties attempted to file an untimely notice of intent to participate. *See* Domestic Interested Parties' Letter, ''Pressure Sensitive Plastic Tape from Italy: Notice of Intent to Participate in Sunset Review,'' dated March 17, 2021. On the same day, the domestic interested parties filed an untimely request for an extension of time to file their notice of intent to participate in this sunset review. *See* Domestic Interested Parties' Letter, ''Pressure Sensitive Plastic Tape from Italy: Request for Extension of Time to File Notice of Intent to Participate in Sunset Review,'' dated March 17, 2021. Commerce found that the domestic interested parties failed to identify extraordinary circumstances warranting consideration of the untimely extension request and, thus, denied the untimely extension request and rejected the late submission of the notice of intent to participate. *See* Commerce's Letter's, ''Five-Year (''Sunset'') Review of Pressure Sensitive Plastic Tape from Italy: Rejection of Request for Extension of Time to File Notice of Intent to Participate in Sunset Review,'' dated March 25, 2021.

[9] *See* Commerce's Letter, ''Sunset Reviews [sic] Initiated on March 1, 2021,'' dated March 23, 2021.

[10] *See also* section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(1)(i).

[11] *See* 19 CFR 351.218(d)(1)(iii)(B)(1).

[12] *See 2016 Continuation Notice.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty Administrative Review; 2018; Correction

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

ACTION: Notice; correction.

SUMMARY: The Department of Commerce (Commerce) published notice in the **Federal Register** of May 17, 2021 in which Commerce determined that Jindal Poly Films Limited of India (Jindal), producer and/or exporter of polyethylene terephthalate film, sheet, and strip (PET film) from India, received countervailable subsidies during the period of review (POR), January 1, 2018, through December 31, 2018. This notice failed to list the cross owned affiliate of Jindal Poly Films Limited.

FOR FURTHER INFORMATION CONTACT: Konrad Ptaszynski at (202) 482–6187 or Nicholas Czajkowski at (202) 482–1395; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of May 17, 2021, in FR Doc 2021–10350, on page 26700, in the second column, correct the Final Results of Administrative Review as follows:

Final Results of Administrative Review

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we determine the total estimated net countervailable subsidy rates for the period January 1, 2018, through December 31, 2018 to be:

Manufacturer/exporter	Subsidy rate (percent *ad valorem*)
Jindal Poly Films Limited of India [1]	[2] 11.67

Background

On May 17, 2021, Commerce published in the **Federal Register** the final results of the administrative review of the countervailing duty order on PET film from India covering the period January 1, 2018 through December 31, 2018.[3] We failed to include Jindal Poly Films Limited of India's cross owned affiliate in the notice. We are correcting the Final Results to clarify that the countervailable subsidy rate for the mandatory respondent, Jindal Poly Films Limited of India applies to its cross owned affiliate, Jindal Films India Ltd.

Notification to Interested Parties

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–11846 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] Jindal Poly Films Limited of India is also known as Jindal Poly Films Limited. Jindal Poly Films Limited of India's cross-owned company is: Jindal Films India Ltd. This cross-owned company is identified in the *Preliminary Results. See Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2018,* 85 FR 74679 (November 23, 2020), and accompanying Preliminary Decision Memorandum at 5–6; *see also Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review; 2018,* 86 FR 26700 (May 17, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM) at ''Attribution of Subsidies.''

[2] This rate applies to merchandise produced and/or esported by Jindal Poly Films Linited of India or its cross-owned company Jindal Films India Ltd.

[3] *See Final Results* IDM.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–888]

Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Final Results of Expedited Third Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on floor-standing, metal-top ironing tables and certain parts thereof (ironing tables) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, AD/CVD Operations, Office VI, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–1979.

SUPPLEMENTARY INFORMATION:

Background

In 2004, Commerce published in the **Federal Register** its final affirmative determination of sales at less than fair value and AD order on ironing tables from China.[1] On February 1, 2021, Commerce published the notice of initiation of the third sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

On February 16, 2021, Commerce received a notice of intent to participate within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i) from Home Products International, Inc. (the petitioner).[3] The petitioner claimed interested party status under section 771(9)(C) of the Act as manufacturers, producers, or wholesalers in the United States of a domestic like product. On March 3, 2021, Commerce received complete substantive responses to the notice of initiation from domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] Commerce received no substantive responses from respondent interested parties.

On March 23, 2021, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, Commerce conducted an expedited, *i.e.,* 120-day, sunset review

[1] *See Notice of Final Determination of Sales at Less Than Fair Value: Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,* 69 FR 35296 (June 24, 2004) (*Final Determination*); *see also Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,* 69 FR 47868 (August 6, 2004) (the *Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 7709 (February 1, 2021) (*Initiation*).

[3] *See* Petitioner's Letter, ''Notice of Intent to Participate: Third Five-Year Sunset Review of Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,'' dated February 16, 2021.

[4] *See* Domestic Interested Parties' Letter, ''Substantive Response of Home Products International, Inc. to the Notice of Initiation of the Third Five-Year Sunset Review of Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,'' dated March 3, 2021.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 1, 2021,'' dated March 23, 2021.

of the *Order* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The merchandise subject to the *Order* consists of floor-standing, metal-top ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. For a complete description of the products covered, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping in the event of revocation, and the magnitude of dumping margins likely to prevail if the orders were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* A list of topics discussed in the Issues and Decision Memorandum is attached to this notice as an Appendix. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 157.68 percent.

Administrative Protective Order (APO)

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

Notification to Interested Parties

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
VII. Final Results of the Review
VIII. Recommendation

[FR Doc. 2021–11845 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Final Results of Expedited Fifth Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this fifth expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on potassium permanganate from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

Background

On January 31, 1984, Commerce issued the AD order on potassium permanganate from China.[1] On March 18, 2016, Commerce published the most recent continuation of the *Order.*[2] On February 1, 2021, Commerce published the *Notice of Initiation* of the fifth sunset review of *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3] On February 12, 2021, Commerce received a notice of intent to participate from Carus LLC (the petitioner), a domestic producer of potassium permanganate and the petitioner in the underlying investigation, within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] The petitioner claimed domestic interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.[5] On March 3, 2021, the petitioner filed its timely substantive response within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[6] Commerce received no substantive responses from any other interested party with respect to the *Order* covered by this sunset review, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The merchandise covered by the *Order* is potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under subheading 2841.61.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise remains dispositive.

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the *Order* were revoked, are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[7]

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[6] *See* Memorandum, ''Issues and Decision Memorandum: Final Results of Expedited Third Sunset Review of the Antidumping Duty Order on Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[1] *See Antidumping Duty Order; Potassium Permanganate from the People's Republic of China,* 49 FR 3897 (January 31, 1984) (*Order*).

[2] *See Potassium Permanganate from the People's Republic of China: Continuation of Antidumping Duty Order,* 81 FR 14835 (March 18, 2016).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 7709 (February 1, 2021).

[4] *See* Petitioner's Letter, ''Notice of Intent to Participate of Petitioner Carus LLC,'' dated February 12, 2021.

[5] *Id.*

[6] *See* Petitioner's Letter, ''Petitioner's Substantive Response to Notice of Initiation Carus LLC,'' dated March 3, 2021 at 1.

[7] *See* Memorandum, ''Issues and Decisions Memorandum for the Final Results of the Antidumping Duty Administrative Review: Potassium Permanganate from the People's

The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* A list of topics discussed in the Issues and Decision Memorandum is included as an Appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.*

Final Results of Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the AD order on potassium permanganate from China would likely lead to continuation or recurrence of dumping, and that the magnitude of margins likely to prevail is up to 128.94 percent.[8]

Administrative Protective Order

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

Notifications to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margin of Dumping Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–11852 Filed 6–4–21; 8:45 am]

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Republic of China,'' dated concurrently with this notice (Issues and Decisions Memorandum).

[8] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products From Taiwan: Affirmative Final Determination of Circumvention Involving Malaysia

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain corrosion-resistant steel products (CORE), completed in Malaysia, using carbon hot-rolled steel (HRS) and/or cold-rolled steel (CRS) flat products (substrate) manufactured in Taiwan, are circumventing the antidumping duty (AD) order on CORE from Taiwan.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Joy Zhang, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2020, Commerce published the *Preliminary Determination* [1] of circumvention of the *Taiwan CORE Order.*[2] A summary of events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Order

The products covered by this order are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

Scope of the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers CORE completed in Malaysia from HRS and/or CRS substrate input manufactured in Taiwan and subsequently exported to the United States (merchandise subject to this inquiry). This final ruling applies to all shipments of merchandise subject to this inquiry entered on or after the date of the initiation of this inquiry.[4] Importers and exporters of CORE produced in Malaysia using: (1) HRS manufactured in Malaysia or other third countries, (2) CRS manufactured in Malaysia using HRS produced in Malaysia or other third countries, or (3) CRS manufactured in other third countries, must certify that the HRS and/or CRS processed into CORE in Malaysia did not originate in Taiwan, as provided for in the certifications attached to this **Federal Register** notice. Otherwise, their merchandise will be subject to AD requirements.

Methodology

Commerce is conducting this anti-circumvention inquiry in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act). Because certain interested parties did not cooperate to the best of their abilities in responding to Commerce's requests for

[1] *See Certain Corrosion-Resistant Steel Products from Taiwan: Affirmative Preliminary Determination of Circumvention Involving Malaysia,* 85 FR 8815 (February 18, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

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

[3] *See* Memorandum, ''Issues and Decision Memorandum for Anti-Circumvention Inquiry involving Taiwan on the Antidumping Duty Order on Certain Corrosion-Resistant Steel Products from Taiwan,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders,* 84 FR 43585 (August 21, 2019) (*Initiation Notice*), and accompanying Memorandum, ''Certain Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders,'' dated August 12, 2019.

information, we continue to base parts of our final determination on the facts available, with adverse inferences, pursuant to sections 776(a) and (b) of the Act. The Preliminary Decision Memorandum contains a full description of the methodology.[5] We incorporate by reference this description of the methodology for our final determination.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this inquiry are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix I.

Based on our analysis of the comments received from interested parties, we made no revisions to the *Preliminary Determination* with regard to our analysis under the anti-circumvention factors of section 781(b) of the Act.[6] We have made certain changes to the language in the certifications to provide guidance on who should complete the exporter certification, and to allow importers and exporters to clearly identify the parties involved in the sale(s) involving the export to the United States.

Final Affirmative Determination of Circumvention

We determine that exports to the United States of CORE completed in Malaysia from HRS and/or CRS substrate manufactured in Taiwan are circumventing the *Taiwan CORE Order.* We therefore find it appropriate to determine that merchandise subject to this inquiry should be considered to be within the scope of the *Taiwan CORE Order,* and to instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of any entries of CORE completed in Malaysia using HRS and/or CRS substrate manufactured in Taiwan.

Continuation of Suspension of Liquidation

As stated above, Commerce has made an affirmative determination of circumvention of the *Taiwan CORE Order* by exports to the United States of CORE completed in Malaysia using Taiwanese-origin HRS and/or CRS substrate. In accordance with 19 CFR 351.225(1)(3), Commerce will direct CBP to continue to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of CORE completed in Malaysia using Taiwanese-origin HRS and/or CRS substrate that were entered, or withdrawn from warehouse, for consumption on or after August 12, 2019, the date of initiation of this anti-circumvention inquiry. The suspension of liquidation and cash deposit instructions will remain in effect until further notice.

CORE produced in Malaysia from HRS or CRS substrate that is not of Taiwanese-origin is not subject to this inquiry. However, imports of such merchandise are subject to certification requirements, and cash deposits may be required if the certification requirements are not satisfied. Additionally, CORE completed in Malaysia from HRS and/or CRS from China also has been found to be circumventing the AD/CVD orders on CORE from China and such merchandise is subject to similar certification requirements.[7] Accordingly, if an importer imports CORE from Malaysia and claims that the CORE was not produced from HRS and/or CRS substrate manufactured in Taiwan, in order not to be subject to AD and/or CVD requirements, the importer and exporter are required to meet the certification and documentation requirements described in Appendices II, III and IV, in order for cash deposits pursuant to the *Taiwan CORE Order* not to be required. The party that made the sale to the United States should fill out the exporter certification.

In the situation where no certification is provided for an entry, and AD/CVD orders on CORE from China or the AD order on CORE from Taiwan potentially apply to that entry, Commerce intends to instruct CBP to suspend liquidation of the entry and collect cash deposits at the rates applicable to the *China CORE Orders* (*i.e.,* the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all-other Chinese producers/exporters (39.05 percent)).[8] This is to prevent evasion, given that the rates applicable to the AD/CVD orders on CORE from China are higher than the all-others rate established by the AD order on CORE from Taiwan. In the situation where a certification is provided for the AD/CVD orders on CORE from China (stating that the merchandise was not produced from HRS and/or CRS from China), but no other certification is provided, then Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD all-others rate applicable under the AD order on CORE from Taiwan (*i.e.,* 3.66 percent).

Further, for this final determination, we continue to determine that the following non-responsive companies are not eligible for the certification process: Hsin Kuang Steel Co Ltd; FIW Steel Sdn Bhd; NS BlueScope Malaysia Sdn Bhd; and YKGI/Yung Kong Galv. Ind/Starshine Holdings Sdn Bhd/ASTEEL Sdn Bhd (collectively, non-responsive companies).[9] Accordingly, importers of CORE from Malaysia produced and/or exported by these ineligible companies are similarly ineligible for the certification process with regard to their imports of CORE produced by or sourced from these companies. Additionally, exporters are not eligible to certify shipments of merchandise produced by the above-listed companies. Accordingly, CBP shall suspend the entry and collect cash deposits for entries of merchandise produced and/or exported by non-responsive companies at the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all other Chinese producers and/or exporters (39.05 percent) pursuant to the *China CORE Orders.*

Notification Regarding Administrative Protective Order

This notice will serve as the only reminder to all parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance

[5] *See* Memorandum, ''Preliminary Decision Memorandum for the Anti-Circumvention Inquiries of the Antidumping Duty and Countervailing Duty Orders on Certain Corrosion-Resistant Steel Products from Taiwan,'' dated February 7, 2020.

[6] We made certain adjustments to our calculations with respect to certain prongs of the analysis for CSC Steel Sdn. Bhd. (CSCM), a cooperative mandatory respondent in this inquiry, based on revisions provided in a post-preliminary response from the respondent. *See* Memorandum, ''Anti-Circumvention Inquiry of the Antidumping Duty Order of Certain Corrosion-Resistant Steel Products from Taiwan: China Steel Sdn. Bhd.—Final Analysis Memorandum,'' dated concurrently with this memorandum (CSCM Final Analysis Memorandum). However, we note that as the updated information does not result in material changes to the calculations from the *Preliminary Determination,* the conclusions of the analysis from the *Preliminary Determination* remain unchanged. *See* Issues and Decision Memorandum.

[7] *See* unpublished **Federal Register** notice, ''Certain Corrosion-Resistant Steel Products from the People's Republic of China: Affirmative Final Determination of Circumvention Involving Malaysia,'' dated concurrently with this notice.

[8] *See Certain Corrosion-Resistant Steel Flat Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Duty Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea, and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (collectively, *China CORE Orders*).

[9] *See Preliminary Determination,* 85 FR at 8816, and accompanying Preliminary Decision Memorandum at 8 and 22–23.

with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.225(f).

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Scope of the Anti-Circumvention Inquiry
V. Verification
VI. Use of Facts Available With an Adverse Inference
VII. Changes Since the Preliminary Determination
VIII. Statutory Framework
IX. Statutory Analysis
X. Discussion of the Issues
Comment: Whether CSCM's Manufacturing Operations in Malaysia Constitute Circumvention Under the Statutory Criteria Established in Section 781(b)(2) of the Act
XI. Recommendation

Appendix II—Certification Requirements

If an importer imports certain corrosion-resistant steel products (CORE) from Malaysia and claims that the CORE was not produced from hot-rolled steel and/or cold-rolled steel substrate (substrate) manufactured in Taiwan, the importer is required to complete and maintain the importer certification attached hereto as Appendix III and all supporting documentation. Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to make this certification on behalf of the importer.

The exporter of such merchandise is required to complete and maintain the exporter certification, attached as Appendix IV, and is further required to provide the importer a copy of that certification and all supporting documentation. The party that made the sale to the United States should fill out the exporter certification.

For any such certifications completed on the date of publication of this final determination through 20 days after the date of publication, exporters and importers should use the certifications attached to the *Preliminary Determination.* For any such certifications completed on or after 21 days after the date of publication of this final determination, exporters and importers should use the certifications contained below that have changed from the certifications issued with the *Preliminary Determination.*

For entries on or after the date of publication of this notice in the **Federal Register**, for which certifications are required, importers should complete the required certification at or prior to the date of entry summary, and exporters should complete the required certification and provide it to the importer at or prior to the date of shipment. For all such entries made within the first 20 days after publication of this notice, exporters and importers should use the certifications attached to the *Preliminary Determination.* For all entries made on or after 21 days after publication of this notice, exporters and importers should use the certifications contained below that have changed from the certifications issued with the *Preliminary Determination.*

The importer and exporter are also required to maintain sufficient documentation supporting their certifications. The importer will not be required to submit the certifications or supporting documentation to U.S. Customs and Border Protection (CBP) as part of the entry process at this time. However, the importer and the exporter will be required to present the certifications and supporting documentation to Commerce and/or CBP, as applicable, upon request by the respective agency. Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. The importer and exporter are required to maintain the certifications and supporting documentation for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

In the situation where no certification is provided for an entry, and AD/CVD orders on CORE from China or the AD order on CORE from Taiwan potentially apply to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rate under the *China CORE Orders* (*i.e.,* the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all-other Chinese producers/exporters (39.05 percent)).[10] In the situation where a certification is provided for the AD/CVD orders on CORE from China (stating that the merchandise was not produced from HRS and/or CRS from China), but no other certification is provided, then Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD all-others rate applicable to the AD order on CORE from Taiwan (*i.e.,* 3.66 percent).

Appendix III—Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the corrosion resistant steel products produced in Malaysia that entered under entry number(s), identified below, and which are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter) in its records.

(C) If the importer is acting on behalf of the first U.S. customer, complete this paragraph, if not put ''NA'' at the end of this paragraph:

The corrosion resistant steel products covered by this certification were imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

(D) The corrosion resistant steel products covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(E) I have personal knowledge of the facts regarding the production of the corrosion resistant steel products identified below. ''Personal knowledge'' includes facts obtained from another party (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the country of manufacture of the imported products).

(F) The corrosion resistant steel products covered by this certification were not manufactured using hot-rolled steel and/or cold-rolled steel substrate produced in Taiwan.

(G) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer:
Producer's Address:

(H) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, etc.) for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(I) I understand that {NAME OF IMPORTING COMPANY} is required to provide this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(J) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or export of the imported merchandise identified above), and any supporting records provided by the exporter to the importer, for the later of: (1) A period of five years from the date of entry

[10] *See China CORE Orders.*

or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(K) I understand that {NAME OF IMPORTING COMPANY} is required, upon request, to provide a copy of the exporter's certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce.

(L) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(M) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are within the scope of the antidumping/countervailing duty order on corrosion resistant steel products from Taiwan. I understand that such finding will result in:

(i) Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}'s privilege to certify future imports of corrosion resistant steel products from Malaysia as not manufactured using hot-rolled steel and/or cold-rolled steel substrate from Taiwan.

(N) I understand that agents of the importer, such as brokers, are not permitted to make this certification.

(O) This certification was completed at or prior to the date of entry summary.

(P) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

Appendix IV—Exporter Certification

SPECIAL INSTRUCTIONS: The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

(A) My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF COMPANY}, located at {ADDRESS};

(B) I have direct personal knowledge of the facts regarding the production and exportation of the corrosion resistant steel products identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

(C) The corrosion resistant steel products produced in Malaysia and covered by this certification were not manufactured using hot-rolled steel and/or cold-rolled steel substrate produced in Taiwan.

(D) This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}. (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Producer Name:
Producer's Address:
Producer's Invoice # to Foreign Seller: (If the foreign seller and the producer are the same party, put NA here.)

(E) The corrosion resistant steel products covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

(F) I understand that {NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, etc.) for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(G) I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this Exporter Certification to the U.S. importer by the date of shipment;

(H) I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(I) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(J) I understand that failure to maintain the required certification, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all sales to which this certification applies are within the scope of the antidumping/countervailing duty order on corrosion resistant steel products from Taiwan. I understand that such finding will result in:

(i) Suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates as determined by Commerce; and

(iii) the revocation of {NAME OF EXPORTING COMPANY}'s privilege to certify future exports of corrosion resistant steel products from Malaysia as not manufactured using hot-rolled steel and/or cold-rolled steel substrate from Taiwan.

(K) This certification was completed at or prior to the date of shipment.

(L) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

[FR Doc. 2021–11850 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–023]

Certain Uncoated Paper From the People's Republic of China: Final Results of the Expedited Five-Year Sunset Review of the Countervailing Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revoking the countervailing duty (CVD) order on certain uncoated paper (uncoated paper) from the People's Republic of China (China) would likely lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Peter Zukowski, 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) 482–0189.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2016, Commerce published in the **Federal Register** the CVD *Order* on uncoated paper from China.[1] On February 1, 2021, Commerce published the notice of initiation of the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On February 12, 2021, Commerce received a notice of intent to participate from Domtar Corporation (Domtar), Finch Paper LLC (Finch Paper), and North Pacific Paper Company (NORPAC),

[1] *See Certain Uncoated Paper from Indonesia and the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People's Republic of China),* 81 FR 11187 (*Order*).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 86 FR 7709 (February 1, 2021).

within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Domtar, Finch Paper, and NORPAC claimed interested party status under section 771(9)(C) of the Act, as domestic producers of uncoated paper in the United States. On February 16, 2021, Commerce also received a notice of intent to participate from Packaging Corporation of America (PCA) and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Services Workers International Union (USW).[4] PCA claimed interested party status under section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v), as a domestic producer of uncoated paper in the United States, and USW claimed interested party status under section 771(9)(D) of the Act and 19 CFR 351.102(b)(29)(vi), as a certified union with workers engaged in the manufacture and production of the domestic like product in the United States.

On March 1, 2021, Commerce received a substantive response from the domestic interested parties[5] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[6] We received no substantive response from any other domestic or interested parties in this proceeding and no hearing was requested.

On March 23, 2021, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[7] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order.*

Scope of the Order

The scope of the *Order* includes uncoated paper in sheet form; weighing at least 40 grams per square meter but not more than 150 grams per square meter; that either is a white paper with a GE brightness level[8] of 85 or higher or is a colored paper; whether or not surface-decorated, printed (except as described below), embossed, perforated, or punched; irrespective of the smoothness of the surface; and irrespective of dimensions (Certain Uncoated Paper).

Imports of the subject merchandise are provided for under Harmonized Tariff Schedule of the United States (HTSUS) categories 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.[9]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Asia Symbol (Guangdong) Paper Co., Ltd. (AS Guangdong), Asia Symbol (Shandong) Pulp & Paper Co., Ltd. (AS Shandong), Asia Symbol (Guangdong) Omya Minerals Co., Ltd. (AS Omya), and Greenpoint Global Trading (Macao Commercial Offshore) Limited (Greenpoint) (collectively, Asia Symbol Companies)	7.23
Shandong Sun Paper Industry Joint Stock Co., Ltd. (Shandong Sun Paper), and Sun Paper (Hong Kong) Co., Ltd. (Sun Paper HK) (collectively, Sun Paper Companies)	176.75
UPM (China) Co. Ltd	176.75
All Others	7.23

Administrative Protective Order (APO)

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

Notification to Interested Parties

We are issuing and publishing the final results and this notice in

[3] *See* Domtar/Finch Paper/NORPAC's Letter, ''Domestic Industry's Notice of Intent to Participate In Sunset Review,'' dated February 12, 2021.

[4] *See* PCA/USW's Letter, ''Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Certain Uncoated Paper from the People's Republic of China,'' dated February 16, 2021.

[5] Collectively, Domtar, Finch Paper, NORPAC, PCA, and USW are referred to as the domestic interested parties.

[6] *See* Domestic Interested Parties' Letter, ''Domestic Interested Party Substantive Response to Notice of Initiation,'' dated March 1, 2021.

[7] *See* Commerce's Letter, ''Sunset Reviews Initiated on February 1, 2021,'' dated March 23, 2021.

[8] One of the key measurements of any grade of paper is brightness. Generally speaking, the brighter the paper the better the contrast between the paper and the ink. Brightness is measured using a GE Reflectance Scale, which measures the reflection of light off a grade of paper. One is the lowest reflection, or what would be given to a totally black grade, and 100 is the brightest measured grade. ''Colored paper'' as used in this scope definition means a paper with a hue other than white that reflects one of the primary colors of magenta, yellow, and cyan (red, yellow, and blue) or a combination of such primary colors.

[9] For a full description of the scope of the order, *see* Memorandum, ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Order on Certain Uncoated Paper from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. History of the Order
IV. Scope of the Order
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–11854 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–956]

Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on seamless carbon and alloy steel standard, line and pressure pipe (SSLP) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Zachary Shaykin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–2638, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 10, 2010, the Department of Commerce (Commerce) published in the **Federal Register** a notice of the AD order on seamless carbon and alloy steel standard, line and pressure pipe from China.[1] On February 1, 2021, Commerce published its initiation of the second sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] From February 5, through 16, 2021, Commerce received timely and complete notices of intent to participate in the sunset review in relation to the *Order* from domestic interested parties [3] within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] The domestic interested parties claimed interested party status pursuant to section 771(9)(C) of the Act as manufacturers in the United States of the domestic like product.[5]

On March 3, 2021, the domestic interested parties filed a timely and adequate substantive response within the deadline specified in 19 CFR 351.218(d)(3)(i).[6] Commerce did not receive substantive responses from any respondent interested party with respect to the *Order* covered by this sunset review. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*

[1] *See Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 69052 (November 10, 2010) (*Order).*

[2] *See Initiation of Five-Year (Sunset) Review,* 86 FR 7709 (February 1, 2021).

[3] The domestic interested parties are: Tenaris Bay City, Inc. and IPSCO Tubulars Inc. (collectively, Tenaris U.S.A.); United States Steel Corporation (U.S. Steel); Vallourec Star, LP (Vallourec); and BENTELER Steel/Tube Manufacturing Corp. (BENTELER) (collectively, domestic interested parties).

[4] *See* Tenaris USA's Letter, ''Notice of Intent to Participate in Second Sunset Reviews of the Antidumping and Countervailing Duty Orders on Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from China,'' dated February 5, 2021; U.S. Steel's Letter, ''Five-Year (''Sunset'') Review of Antidumping and Countervailing Duty Orders on Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from China: Notice of Intent to Participate,'' dated February 16, 2021; Vallourec's Letter, ''Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from the People's Republic of China (Second Sunset Review): Notice of Intent to Participate,'' dated February 16, 2021; and BENTELER's Letter, ''Notice of Intent to Participate in Second Sunset Reviews of the Antidumping and Countervailing Duty Orders on Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from China,'' dated February 16, 2021.

[5] *Id.*

[6] *See* Domestic Interested Parties' Letter, ''Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from the People's Republic of China: Substantive Response of Domestic Producers to Commerce's Notice of Initiation of Five-Year (''Sunset'') Reviews,'' dated March 3, 2021.

Scope of the Order

The merchandise covered by this order is certain seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness, manufacturing process (*e.g.,* hot-finished or cold-drawn), end finish (*e.g.,* plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (*e.g.,* bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or ''hollow profiles'' suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials (''ASTM'') or American Petroleum Institute (''API'') specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, ASTM A–1024, and the API 5L specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusion discussed below.

Specifically excluded from the scope of the order are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications; (2) all pipes meeting the chemical requirements of ASTM A–335, whether finished or unfinished; and (3) unattached couplings. Also excluded from the scope of the order are all mechanical, boiler, condenser and heat exchange tubing, except when such products conform to the dimensional requirements, *i.e.,* outside diameter and wall thickness of ASTM A–53, ASTM A–106 or API 5L specifications.

The merchandise covered by the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.19.1020, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5020, 7304.19.5050, 7304.31.6050, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.51.5005, 7304.51.5060, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045,

7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.[7]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Order* and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://enforcement.trade.gov/frn/.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* on SSLP from China would be likely to lead to a continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail is up to 98.74 percent.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

These final results and notice are being issued and published in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(f)(3) and 351.221(c)(5).

[7] *See Order,* 75 FR at 69052.

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
Comment 1: Likelihood of Continuation or Recurrence of Dumping
Comment 2: Magnitude of the Dumping Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–11847 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–026, C–570–027]

Certain Corrosion-Resistant Steel Products From the People's Republic of China: Affirmative Final Determination of Circumvention Involving Malaysia

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain corrosion-resistant steel products (CORE), completed in Malaysia, using hot-rolled steel (HRS) and/or cold-rolled steel (CRS) flat products (substrate) manufactured in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on CORE from China.

DATES: Applicable June 7, 2021.

FOR FURTHER INFORMATION CONTACT: Joy Zhang, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2020, Commerce published the *Preliminary Determination*[1] of circumvention of the *China CORE Orders.*[2] A summary of events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Scope of the Orders

The products covered by these orders are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For a complete description of the scope of the orders, *see* the Issues and Decision Memorandum.

Scope of the Anti-Circumvention Inquiries

These anti-circumvention inquiries cover CORE completed in Malaysia from HRS and/or CRS substrate input manufactured in China and subsequently exported to the United States (merchandise subject to these inquiries). This final ruling applies to all shipments of merchandise subject to these inquiries entered on or after the date of the initiation of these inquiries.[4]

[1] *See Certain Corrosion-Resistant Steel Products from the People's Republic of China: Affirmative Preliminary Determination of Circumvention Involving Malaysia,* 85 FR 8823 (February 18, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (collectively, *China CORE Orders*).

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Anti-Circumvention Inquiries Involving Malaysia of the Antidumping and Countervailing Duty Orders on Certain Corrosion-Resistant Steel Products from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Corrosion-Resistant Steel Products from the People's Republic of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders,* 84 FR 43585 (August 21, 2019) (*Initiation Notice*), and accompanying Memorandum, ''Certain Corrosion-Resistant Steel Products from the People's Republic

Continued

Importers and exporters of CORE produced in Malaysia using: (1) HRS manufactured in Malaysia or other third countries, (2) CRS manufactured in Malaysia using HRS produced in Malaysia or other third countries, or (3) CRS manufactured in other third countries, must certify that the HRS and/or CRS processed into CORE in Malaysia did not originate in China, as provided for in the certifications attached to this **Federal Register** notice. Otherwise, their merchandise will be subject to AD and CVD requirements.

Methodology

Commerce is conducting these anti-circumvention inquiries in accordance with section 781(b) of the Tariff Act of 1930, as amended (the Act). Because China is a non-market economy, within the meaning of section 771(18) of the Act,[5] Commerce calculated the value of Chinese-origin input costs using prices of factors of production and market economy values, as discussed in section 773(c) of the Act. Because certain interested parties did not cooperate to the best of their abilities in responding to Commerce's requests for information, we continue to base parts of our final determination on the facts available, with adverse inferences, pursuant to sections 776(a) and (b) of the Act.[6] The Preliminary Decision Memorandum contains a full description of the methodology.[7] We incorporate by reference this description of the methodology for our final determination.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix I.

Based on our analysis of the comments received from interested parties, we made no revisions to the *Preliminary Determination* with regard to our analysis under the anti-circumvention factors of section 781(b) of the Act. We have made certain changes to the language in the certifications to provide guidance on who should complete the exporter certification, and to allow importers and exporters to clearly identify the parties involved in the sale(s) involving the export to the United States.

Final Affirmative Determination of Circumvention

We determine that exports to the United States of CORE completed in Malaysia from HRS and/or CRS substrate manufactured in China are circumventing the *China CORE Orders.* We therefore find it appropriate to determine that merchandise subject to these inquiries should be considered to be within the scope of the *China CORE Orders,* and to instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of any entries of CORE completed in Malaysia using HRS and/or CRS substrate manufactured in China.

Continuation of Suspension of Liquidation

As stated above, Commerce has made an affirmative determination of circumvention of the *China CORE Orders* by exports to the United States of CORE completed in Malaysia using Chinese-origin HRS and/or CRS substrate. In accordance with 19 CFR 351.225(1)(3), Commerce will direct CBP to continue to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of CORE completed in Malaysia using Chinese-origin HRS and/or CRS substrate that were entered, or withdrawn from warehouse, for consumption on or after August 12, 2019, the date of initiation of these anti-circumvention inquiries. The suspension of liquidation and cash deposit instructions will remain in effect until further notice.

CORE produced in Malaysia from HRS or CRS substrate that is not of Chinese-origin is not subject to these inquiries. However, imports of such merchandise are subject to certification requirements, and cash deposits may be required if the certification requirements are not satisfied. Additionally, CORE completed in Malaysia from HRS and/or CRS from Taiwan also has been found to be circumventing the AD order on CORE from Taiwan and such merchandise is subject to similar certification requirements.[8] Accordingly, if an importer imports CORE produced in Malaysia and claims that the CORE was produced from non-Chinese HRS or CRS substrate, in order not to be subject to AD and/or CVD requirements, the importer and exporter are required to meet the certification and documentation requirements described in Appendices II, III, and IV. The party that made the sale to the United States should fill out the exporter certification.

In the situation where no certification is provided for an entry, and AD/CVD orders on CORE from China or the AD order on CORE from Taiwan potentially apply to that entry, Commerce intends to instruct CBP to suspend liquidation of the entry and collect cash deposits at the rates applicable under the *China CORE Orders* (*i.e.,* the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all-other Chinese producers/exporters (39.05 percent)).[9] This is to prevent evasion, given that the rates applicable to the AD/CVD orders on CORE from China are higher than the all-others rate established by the AD order on CORE from Taiwan. In the situation where a certification is provided for the AD/CVD orders on CORE from China (stating that the merchandise was not produced from HRS and/or CRS from China), but no other certification is provided, then Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD all-others rate applicable under the AD order on CORE from Taiwan (*i.e.,* 3.66 percent).

Further, for this final determination, we continue to determine that the following companies are not eligible for the certification process: FIW Steel Sdn Bhd; Hsin Kuang Steel Co Ltd; Nippon EGalv Steel Sdn Bhd; NS BlueScope Malaysia Sdn Bhd; and YKGI/Yung Kong Galv. Ind/Starshine Holdings Sdn Bhd/ASTEEL Sdn. Bhd. (YKGI Group) (collectively non-responsive companies).[10] Accordingly, importers of CORE from Malaysia produced and/or exported by these ineligible companies are similarly ineligible for the certification process with regard to imports of CORE produced by, or sourced from, these companies. Additionally, exporters are not eligible to certify shipments of merchandise

of China: Initiation of Anti-Circumvention Inquiries on the Antidumping Duty and Countervailing Duty Orders,'' dated August 12, 2019.

[5] *See, e.g., 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 ''China's Status as a Non-Market Economy,'' 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).

[6] *See* Issues and Decision Memorandum.

[7] *See* Memorandum, ''Preliminary Decision Memorandum for the Anti-Circumvention Inquiries of the Antidumping Duty and Countervailing Duty Orders on Certain Corrosion-Resistant Steel Products from the People's Republic of China,'' dated February 7, 2020 (Preliminary Decision Memorandum).

[8] *See* **Federal Register** notice, ''*Certain Corrosion Resistant Steel Products from Taiwan: Affirmative Final Determination of Anti-Circumvention Inquiry on the Antidumping Duty Order,*'' dated concurrently with this notice.

[9] *See China CORE Orders.*

[10] *See Preliminary Determination,* 85 FR at 8823, and accompanying Preliminary Decision Memorandum at 5 and 11.

produced by the above-listed companies. Accordingly, CBP shall suspend the entry and collect cash deposits for entries of merchandise produced and/or exported by these non-responsive companies at the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all other Chinese producers and/or exporters (39.05 percent), pursuant to the *China CORE Orders.*

Notification Regarding Administrative Protective Order

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

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.225(f).

Dated: June 1, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Orders
IV. Scope of the Anti-Circumvention Inquiries
V. Verification
VI. Use of Facts Available With an Adverse Inference
VII. Changes Since the Preliminary Determination
VIII. Statutory Framework
IX. Statutory Analysis
X. Discussion of the Issues
Comment: Whether CSC Steel Sdn Bhd (CSCM) Should be Excluded From Any Remedies Imposed Under the Anti-Circumvention Inquiry
XI. Recommendation

Appendix II

Certification Requirements

If an importer imports certain corrosion-resistant steel products (CORE) from Malaysia and claims that the CORE was not produced from hot-rolled steel and/or cold-rolled steel substrate (substrate) manufactured in the People's Republic of China (China), the importer is required to complete and maintain the importer certification attached hereto as Appendix III and all supporting documentation. Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to make this certification on behalf of the importer.

The exporter of such merchandise is required to complete and maintain the exporter certification, attached as Appendix IV, and is further required to provide the importer a copy of that certification and all supporting documentation. The party that made the sale to the United States should fill out the exporter certification.

For any such certifications completed on the date of publication of this final determination through 20 days after the date of publication, exporters and importers should use the certifications attached to the *Preliminary Determination.* For any such certifications completed on or after 21 days after the date of publication of this final determination, exporters and importers should use the certifications contained below that have changed from the certifications issued with the *Preliminary Determination.*

For entries on or after the date of publication of this notice in the **Federal Register**, for which certifications are required, importers should complete the required certification at or prior to the date of entry summary, and exporters should complete the required certification and provide it to the importer at or prior to the date of shipment. For all such entries made within the first 20 days after publication of this notice, exporters and importers should use the certifications attached to the *Preliminary Determination.* For all entries made on or after 21 days after publication of this notice, exporters and importers should use the certifications contained below that have changed from the certifications issued with the *Preliminary Determination.*

The importer and exporter are also required to maintain sufficient documentation supporting their certifications. The importer will not be required to submit the certifications or supporting documentation to U.S. Customs and Border Protection (CBP) as part of the entry process at this time. However, the importer and the exporter will be required to present the certifications and supporting documentation to Commerce and/or CBP, as applicable, upon request by the respective agency. Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. The importer and exporter are required to maintain the certifications and supporting documentation for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

In the situation where no certification is maintained for an entry, and AD/CVD orders on CORE from China or the AD order on CORE from Taiwan potentially apply to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rate applicable under the *China CORE Orders* (*i.e.,* the AD rate established for the China-wide entity (199.43 percent) and the CVD rate established for all-other Chinese producers/exporters (39.05 percent)). In the situation where a certification is provided for the AD/CVD orders on CORE from China (stating that the merchandise was not produced from HRS and/or CRS from China), but no other certification is provided, then Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD all-others rate applicable under the AD order on CORE from Taiwan (*i.e.,* 3.66%).

Appendix III

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADRESS OF IMPORTING COMPANY}.

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the corrosion resistant steel products produced in Malaysia that entered under entry number(s), identified below, and which are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter) in its records.

(C) If the importer is acting on behalf of the first U.S. customer, complete this paragraph; if not, put ''NA'' at the end of this paragraph: The corrosion resistant steel products covered by this certification were imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

(D) The corrosion resistant steel products covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(E) I have personal knowledge of the facts regarding the production of the corrosion resistant steel products identified below. ''Personal knowledge'' includes facts obtained from another party (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the country of manufacture of the imported products).

(F) The corrosion resistant steel products covered by this certification were not manufactured using hot-rolled steel and/or cold-rolled steel substrate produced in China.

(G) This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer:
Producer's Address:

(H) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this

certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, etc.) for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(I) I understand that {NAME OF IMPORTING COMPANY} is required to provide this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(J) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or export of the imported merchandise identified above), and any supporting records provided by the exporter to the importer, for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(K) I understand that {NAME OF IMPORTING COMPANY}is required, upon request, to provide a copy of the exporter's certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce.

(L) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(M) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are within the scope of the antidumping/countervailing duty order on corrosion resistant steel products from China. I understand that such finding will result in:

(i) Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}'s privilege to certify future imports of corrosion resistant steel products from Malaysia as not manufactured using hot-rolled steel and/or cold-rolled steel substrate from China.

(N) I understand that agents of the importer, such as brokers, are not permitted to make this certification.

(O) This certification was completed at or prior to the date of entry summary.

(P) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

Appendix IV

Exporter Certification

Special Instructions: The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

(A) My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF COMPANY}, located at {ADDRESS};

(B) I have direct personal knowledge of the facts regarding the production and exportation of the corrosion resistant steel products identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

(C) The corrosion resistant steel products produced in Malaysia and covered by this certification were not manufactured using hot-rolled steel and/or cold-rolled steel substrate produced in China.

(D) This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Producer Name:
Producer's Address:
Producer's Invoice # to Foreign Seller: (If the foreign seller and the producer are the same party, put NA here.)

(E) The corrosion resistant steel products covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

(F) I understand that {NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, etc.) for the later of: (1) A period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

(G) I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this Exporter Certification to the U.S. importer by the date of shipment;

(H) I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

(I) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

(J) I understand that failure to maintain the required certification, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all sales to which this certification applies are within the scope of the antidumping/countervailing duty order on corrosion resistant steel products from China. I understand that such finding will result in:

(i) Suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

(ii) the requirement that the importer post applicable antidumping duty and/or countervailing duty cash deposits (as appropriate) equal to the rates as determined by Commerce; and

(iii) the revocation of {NAME OF EXPORTING COMPANY}'s privilege to certify future exports of corrosion resistant steel products from Malaysia as not manufactured using hot-rolled steel and/or cold-rolled steel substrate from China.

(K) This certification was completed at or prior to the date of shipment.

(L) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

[FR Doc. 2021–11849 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB006]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Massachusetts and Rhode Island

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Vineyard Wind 1, LLC (Vineyard Wind 1) for authorization to take marine mammals incidental to marine site characterization surveys off of Massachusetts and Rhode Island. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is

requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than July 7, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Davis@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

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

SUPPLEMENTARY INFORMATION:

Background

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

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

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

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On January 29, 2021, NMFS received a request from Vineyard Wind 1 for an IHA to take marine mammals incidental to marine site characterization surveys off of Massachusetts and Rhode Island for the 501 North wind energy project. The application was deemed adequate and complete on May 19, 2021. Vineyard Wind 1's request is for take of a small number of 14 species of marine mammals by Level B harassment only. Neither Vineyard Wind 1 nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to Vineyard Wind LLC (Vineyard Wind) for similar marine site characterization surveys (85 FR 42357; July 14, 2020), and NMFS has received a request from Vineyard Wind for a renewal of that IHA.

Since issuance of Vineyard Wind's previous IHA (85 FR 42357; July 14, 2020), Vineyard Wind has split into separate corporate entities, Vineyard Wind (to which the previous IHA was issued), and Vineyard Wind 1, which holds assets associated with the 501 North wind energy project. Therefore, although the surveys analyzed in this proposed IHA to Vineyard Wind 1 would occur in an area that overlaps with a portion of the project area included in the previous Vineyard Wind IHA (and potentially a renewal, if appropriate), this proposed IHA would be issued to a separate corporate entity (Vineyard Wind 1).

Description of Proposed Activity

Overview

As part of its overall marine site characterization survey operations, Vineyard Wind 1 proposes to conduct high-resolution geophysical (HRG) surveys in the Lease Area and along the Offshore Export Cable Corridor (OECC) off of Massachusetts and Rhode Island.

The purpose of the marine site characterization surveys is to obtain a baseline assessment of seabed/sub-surface soil conditions in the Lease Area and cable route corridors to support the siting of potential future offshore wind projects. Underwater sound resulting from Vineyard Wind 1's proposed site characterization survey activities, specifically HRG surveys, has the potential to result in incidental take of marine mammals in the form of behavioral harassment.

Dates and Duration

The total duration of HRG survey activities would be approximately 170 survey days. Each day that a survey vessel is operating counts as a single survey day, *e.g.,* two survey vessels operating on the same day count as two

survey days. This schedule is based on assumed 24-hour operations. Vineyard Wind 1 proposes to begin survey activities in summer 2021, upon receipt of an IHA, and continue for up to one year (though the actual duration will likely be shorter, particularly given the use of multiple vessels). The IHA would be effective for one year from the date of issuance.

Specific Geographic Region

Vineyard Wind 1's proposed survey activities would occur in the Lease Area, located approximately 24 kilometers (km) (13 nautical miles (nmi)) from the southeast corner of Martha's Vineyard, and along the OECC route (landfall) in both Federal and State waters of Massachusetts (see Figure 1). The OECC routes will extend from the lease areas to shallow water areas near potential landfall locations. Water depths in the Lease Area range from about 35 to 60 meters (m) (115 to 197 feet (ft)). Water depths along the potential OECC route range from 2.5 to approximately 35 m (8 to approximately 115 ft). For the purpose of this IHA, the Lease Area and OECC are collectively referred to as the project area. The project area for this proposed IHA overlaps with the project area for Vineyard Wind's previous IHA (85 FR 42357; July 14, 2020) for which Vineyard Wind has submitted a renewal request.

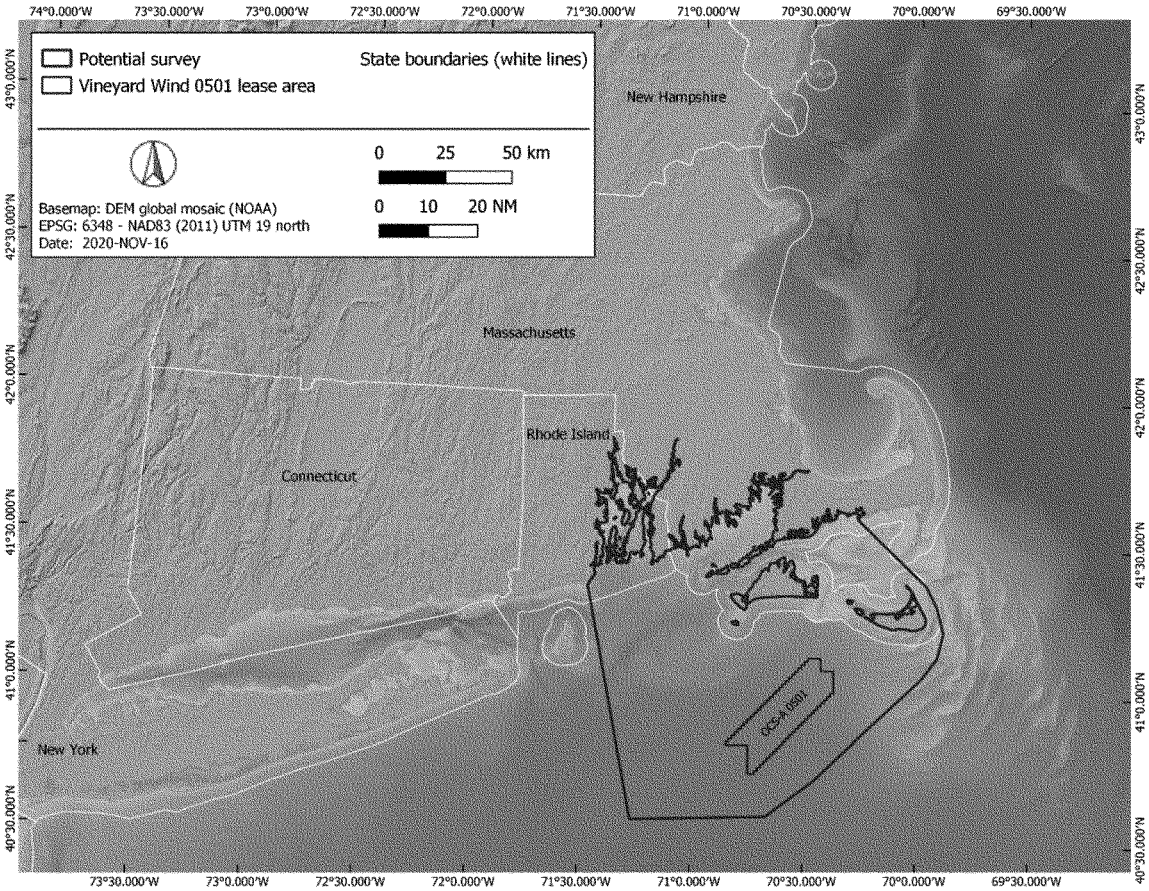

Figure 1 -- Potential Survey Area

Detailed Description of Specific Activity

Vineyard Wind 1 proposes to conduct HRG survey operations, including single and multibeam depth sounding, magnetic intensity measurements, seafloor imaging, and shallow and medium penetration sub bottom profiling. The HRG surveys may be conducted using any or all of the following equipment types: Side scan sonar, single and multibeam echosounders, magnetometers and gradiometers, parametric sub-bottom profiler (SBP), CHIRP SBP, boomers, or sparkers. HRG survey activities are anticipated to include multiple survey vessels (up to eight, depending on the season), which may operate concurrently, though surveys will be spaced to avoid geophysical interference with one another. Vineyard Wind 1 assumes that HRG survey activities would be conducted continuously 24 hours per day, with an assumed daily survey distance of 80 km (43 nmi). Survey vessels would maintain a speed of approximately 4 knots (2.1 m/second) while surveying, which equates to 181 km per 24-hour period. However, based on past survey experience (*i.e.,* knowledge of typical daily downtime due to weather, system malfunctions, etc.), Vineyard Wind 1 assumes 80 km as the average daily distance.

Acoustic sources planned for use during HRG survey activities proposed by Vineyard Wind 1 include the following:

• Shallow Penetration Sub-bottom Profilers (SBP; Chirps) to map the near-

surface stratigraphy (top 0 to 5 m (0 to 16 ft)) of sediment below seabed). A chirp system emits sonar pulses that increase in frequency from about 2 to 20 kHz over time. The pulse length frequency range can be adjusted to meet project variables. These sources are typically mounted on the hull of the vessel or from a side pole;

• Medium Penetration SBPs (Boomers and Sparkers) to map deeper subsurface stratigraphy as needed. A boomer is a broadband sound source operating in the 3.5 Hz to 10 kHz frequency range. Sparkers create acoustic pulses from 50 Hz to 4 kHz omnidirectionally from the source that can penetrate several hundred meters into the seafloor. These sources are typically towed behind the vessel.

Operation of the following survey equipment types is not reasonably expected to present risk of marine mammal take, and will not be discussed further beyond the brief summaries provided below;

• Parametric SBPs, also called sediment echosounders, for providing high data density in sub-bottom profiles that are typically required for cable routes, very shallow water, and archaeological surveys. These sources generate short, very narrow-beam (1° to 3.5°) signals at high frequencies (generally around 85–100 kHz). The narrow beamwidth significantly reduces the potential that a marine mammal could be exposed to the signal, while the high frequency of operation means that the signal is rapidly attenuated in seawater. These sources are typically mounted on the hull of the vessel or from a side pole rather than towed behind the vessel;

• Ultra-Short Baseline (USBL) positioning systems are used to provide high accuracy ranges by measuring the time between the acoustic pulses transmitted by the vessel transceiver and the equipment transponder (or beacon) necessary to produce the acoustic profile. It is a two-component system with a hull or pole mounted transceiver and one or several transponders either on the seabed or on the equipment. USBLs are expected to produce extremely small acoustic propagation distances in their typical operating configuration;

• Single beam and Multibeam Echosounders (MBESs) to determine water depths and general bottom topography. The proposed single beam and MBES all have operating frequencies >180 kHz and are therefore outside the general hearing range of marine mammals;

• Side-scan Sonar (SSS) is used for seabed sediment classification purposes and to identify natural and man-made acoustic targets on the seafloor. The proposed SSSs all have operating frequencies >180 kHz and are therefore outside the general hearing range of marine mammals; and

• Magnetometer/Gradiometer has an operating frequency >180 kHz and is therefore outside the general hearing range of marine mammals.

Table 1 identifies the representative survey equipment with the expected potential to result in exposure of marine mammals and potentially result in take. The make and model of the listed geophysical equipment may vary depending on availability and the final equipment choices will vary depending on the final survey design, vessel availability, and survey contractor selection.

HRG surveys are expected to use several equipment types concurrently in order to collect multiple aspects of geophysical data along one transect. Selection of equipment combinations is based on specific survey objectives.

TABLE 1—SUMMARY OF REPRESENTATIVE HRG EQUIPMENT

System	Frequency (kHz)	Beam width (°)	Pulse duration (ms)	Repetition rate (Hz)	In-beam source level (dB)	
					RMS	Pk
Shallow subbottom profiler (non-impulsive)						
EdgeTech Chirp 216	2–16	65	2	3.75	178	182
Deep seismic profiler (impulsive)						
Applied Acoustics AA251 Boomer	0.2–15	180	0.8	2	205	212
GeoMarine Geo Spark 2000 (400 tip)	0.05–3	180	3.4	1	203	213

Note: While many of these sources overlap with Vineyard Wind's previous IHA (85 FR 42357; July 14, 2020), the operating parameters used as proxies in modeling some sources were changed as a result of HRG modeling recommendations from NMFS. For data source information, please see Table A–3 in Vineyard Wind 1's application.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

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

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow the Committee on Taxonomy (2020). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Atlantic and Gulf of Mexico SARs. All values presented in Table 2 are the most recent available at the time of publication and, except for North Atlantic right whale, are available in the 2019 SARs (Hayes *et al.,* 2020) and draft 2020 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*). The most recent North Atlantic right whale stock abundance estimate is presented in NOAA Technical Memorandum NMFS–NE–269 (Pace 2021).

TABLE 2—MARINE MAMMALS LIKELY TO OCCUR IN THE PROJECT AREA THAT MAY BE AFFECTED BY VINEYARD WIND 1'S PROPOSED ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenidae:						
North Atlantic right whale [4].	*Eubalaena glacialis*	Western North Atlantic	E/D; Y	368 (NA; 356; 2018)	0.8	18.6
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-/-; Y	1,393 (0.15; 1,375; 2016)	22	58
Fin whale	*Balaenoptera physalus*	Western North Atlantic	E/D; Y	6,802 (0.24; 5,573; 2016)	11	2.35
Sei whale	*Balaenoptera borealis*	Nova Scotia	E/D; Y	6,292 (1.02; 3,098; 2016)	6.2	1.2
Minke whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	-/-; N	21,968 (0.31; 17,002; 2016)	170	10.6
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm whale	*Physeter macrocephalus*	North Atlantic	E; Y	4,349 (0.28; 3,451; 2016)	3.9	0
Family Delphinidae:						
Long-finned pilot whale	*Globicephala melas*	Western North Atlantic	-/-; N	39,215 (0.3; 30,627; 2016)	306	21
Bottlenose dolphin	*Tursiops spp*	Western North Atlantic Offshore.	-/-; N	62,851 (0.213; 51,914; 2016)	519	28
Common dolphin	*Delphinus delphis*	Western North Atlantic	-/-; N	172,974 (0.21; 145,216; 2016).	1,452	399
Atlantic white-sided dolphin.	*Lagenorhynchus acutus*	Western North Atlantic	-/-; N	92,233 (0.71; 54,433; 2016)	544	26
Risso's dolphin	*Grampus griseus*	Western North Atlantic	-/-; N	35,493 (0.19; 30,289; 2016)	303	54.3
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-/-; N	95,543 (0.31; 74,034; 2016)	851	217
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Gray seal [5]	*Halichoerus grypus*	Western North Atlantic	-/-; N	27,131 (0.19; 23,158, 2016)	1,389	4,729
Harbor seal	*Phoca vitulina*	Western North Atlantic	-/-; N	75,834 (0.15; 66,884, 2012)	2,006	350

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

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable (NA).

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike).

[4] This is the latest stock abundance estimate and Nmin as presented in Pace (2021).

[5] NMFS stock abundance estimate (and associated PBR value) applies to U.S. population only. Total stock abundance (including animals in Canada) is approximately 451,431. The annual M/SI value is given for the total stock.

As indicated above, all 14 species (with 14 managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the proposed survey areas are included in Table 2 of the IHA application. However, the temporal and/or spatial occurrence of several species listed in Table 2 in Vineyard Wind 1's IHA application is such that take of these species is not expected to occur. Killer whale (*Orcinus orca*) Northern bottlenose whale (*Hyperoodon ampullatus*), pygmy killer whale (*Feresa attenuata*), false killer whale (*Pseudorca crassidens*), melon-headed whale (*Peponocephala electra*), pantropical spotted dolphin (*Stenella attenuata*), Fraser's dolphin (*Lagenodelphis hosei*), rough-toothed dolphin (*Steno bredanensis*), Clymene dolphin (*Stenella clymene*), spinner dolphin (*Stenella longirostris*), and hooded seal (*Cystophora cristata*), are not expected to occur within the project area based on a lack of sightings in the area and their known habitat preferences and distributions. The blue whale (*Balaenoptera musculus*), Cuvier's beaked whale (*Ziphius cavirostris*), four species of Mesoplodont beaked whale (*Mesoplodon spp.*), dwarf and pygmy sperm whale (*Kogia sima* and *Kogia breviceps*), and striped dolphin

(*Stenella coeruleoalba*), typically occur further offshore than the project area, while short-finned pilot whales (*Globicephala macrorhynchus*) and Atlantic spotted dolphins (*Stenella frontalis*) are typically found further south than the project area (Hayes *et al.,* 2020). There are stranding records of harp seals (*Pagophilus groenlandicus*) in Massachusetts, but the species typically occurs north of the project area and appearances in Massachusetts usually occur between January and May (Hayes *et al.,* 2020), outside of the months that Vineyard Wind 1 is most likely to conduct the majority of the survey activities.

Vineyard Wind observed two white beaked dolphins during surveys authorized under a previous IHA (85 FR 42357; July 14, 2020). Please see *https://www.fisheries.noaa.gov/action/incidental-take-authorization-vineyard-wind-llc-marine-site-characterization-surveys* for additional information on this sighting. Except for the single observation of white beaked dolphins referenced here, no sightings of white beaked dolphins have been reported in monitoring reports from issued IHAs in the same region in recent years, and encounters with the species in the survey area remain unlikely. Given the low likelihood of occurrence of white beaked dolphins, NMFS does not propose to include take of white beaked dolphins in this IHA. As take of these species is not anticipated as a result of the proposed activities, these species are not discussed further.

In addition to what is included in Sections 3 and 4 of Vineyard Wind 1's application, the SARs, and NMFS's website, further detail informing the baseline for select species (*i.e.,* information regarding current Unusual Mortality Events (UME) and important habitat areas) is provided below.

North Atlantic Right Whale

The North Atlantic right whale ranges from the calving grounds in the southeastern United States to feeding grounds in New England waters and into Canadian waters (Waring *et al.,* 2017). Surveys indicate that there are seven areas where NARWs congregate seasonally, including Georges Basin along the northeastern edge of Georges Bank, Cape Cod and Massachusetts Bay (Hayes *et al.* 2018). Aerial surveys indicated that right whales were consistently detected in or near the Lease Area and surrounding survey areas during the winter and spring seasons. Acoustic detections of right whales occurred during all months of the year, with the highest number of detections typically between December and late May. Data indicate that right whales occur at elevated densities in the project area south and southwest of Martha's Vineyard in the spring (March–May) and south of Nantucket during winter (December–February; Roberts *et al.* 2018; Leiter *et al.* 2017; Kraus *et al.* 2016). Consistent aggregations of right whales feeding and possibly mating within or close to these specific areas is such that they have been considered right whale ''hotspots'' (Leiter *et al.* 2017; Kraus *et al.* 2016). Although there is variability in right whale distribution patterns among years, and some aggregations appear to be ephemeral, an analysis of hot spots suggests that there is some regularity in right whale use of the project area (Kraus *et al.* 2016).

Additionally, numerous Dynamic Management Areas (DMAs) have been established in these areas in recent years. NMFS may establish DMAs when and where NARWs are sighted outside Seasonal Management Areas (SMAs). DMAs are generally in effect for two weeks. During this time, vessels are encouraged to avoid these areas or reduce speeds to 10 knots (5.1 m/s) or less while transiting through these areas.

NMFS's regulations at 50 CFR part 224.105 designated nearshore waters of the Mid-Atlantic Bight as Mid-Atlantic U.S. SMAs for right whales in 2008. SMAs were developed to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds. All vessels greater than 19.8 m (65 ft) in overall length must operate at speeds of 10 knots (5.1 m/s) or less within these areas during specific time periods. The Block Island Sound SMA overlaps with the south/east portion of Lease Area OCS–A 0501 and is active between November 1 and April 30 each year.

The project area overlaps with a right whale Biologically Important Area (BIA) for migration from March to April and from November to December (LaBrecque *et al.* 2015). Identified right whale feeding BIAs occur outside of the project area (map showing designated BIAs is available at: *https://cetsound.noaa.gov/biologically-important-area-map*); however, Oleson *et al.* (2020) identified an area south of Martha's Vineyard and Nantucket, referred to as ''South of the Islands,'' as a newer, year-round, core North Atlantic right whale foraging habitat. The South of the Islands area overlaps with most of Vineyard Wind 1's project area.

The western North Atlantic population demonstrated overall growth of 2.8 percent per year from 1990 to 2010, despite a decline in 1993 and no growth between 1997 and 2000 (Pace *et al.* 2017). However, since 2010 the population has been in decline, with a 99.99 percent probability of a decline of just under 1 percent per year (Pace *et al.* 2017). Between 1990 and 2015, calving rates varied substantially, with low calving rates coinciding with all three periods of decline or no growth (Pace *et al.* 2017). In 2018, no new North Atlantic right whale calves were documented in their calving grounds; this represented the first time since annual NOAA aerial surveys began in 1989 that no new right whale calves were observed. However, in 2019 seven right whale calves were identified, 10 in 2020, and to date 17 live calves have been identified in 2021. Data indicates that the number of adult females fell from 200 in 2010 to 186 in 2015 while males fell from 283 to 272 in the same time frame (Pace *et al.,* 2017).

Elevated North Atlantic right whale mortalities have occurred since June 7, 2017. A total of 34 confirmed dead stranded whales (21 in Canada; 13 in the United States), have been documented to date. This event has been declared an Unusual Mortality Event (UME), with human interactions (*i.e.,* entanglements and vessel strikes) identified as the most likely cause. More information is available online at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2021-north-atlantic-right-whale-unusual-mortality-event* (accessed May 7, 2020).

Humpback Whale

Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.,* 2015), NMFS delineated 14 distinct population segments (DPS) with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. The West Indies DPS, which is not listed under the ESA, is the only DPS of humpback whale that is expected to occur in the survey area. Bettridge *et al.* (2015) estimated the size of this population at 12,312 (95 percent CI 8,688–15,954) whales in 2004–05, which is consistent with previous population estimates of approximately 10,000–11,000 whales (Stevick *et al.,* 2003; Smith *et al.,* 1999) and the increasing trend for the West Indies DPS (Bettridge *et al.,* 2015). Whales occurring in the survey area are considered to be from the West Indies DPS, but are not necessarily from the Gulf of Maine feeding population managed as a stock by NMFS.

Kraus *et al.* (2016) observed humpback whales in the Rhode Island/Massachusetts and Massachusetts Wind

Energy Areas (RI/MA & MA WEAs) and surrounding areas during all seasons. Humpback whales were observed most often during spring and summer months, with a peak from April to June. Calves were observed 10 times and feeding was observed 10 times during the Kraus *et al.* (2016) study. That study also observed one instance of courtship behavior. Although humpback whales were rarely seen during fall and winter surveys, acoustic data indicate that this species may be present within the MA WEA year-round, with the highest rates of acoustic detections in winter and spring (Kraus *et al.* 2016).

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida. The event has been declared a UME. Partial or full necropsy examinations have been conducted on approximately half of the 149 known cases (as of April 28, 2021). A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined so more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. More detailed information is available at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2021-humpback-whale-unusual-mortality-event-along-atlantic-coast* (accessed April 28, 2021). No BIAs have been identified for humpback whales in the project area.

Fin Whale

Fin whales typically feed in the Gulf of Maine and the waters surrounding New England, but their mating and calving (and general wintering) areas are largely unknown (Hain *et al.* 1992, Hayes *et al.* 2018). Acoustic detections of fin whale singers augment and confirm these visual sighting conclusions for males. Recordings from Massachusetts Bay, New York bight, and deep-ocean areas have detected some level of fin whale singing from September through June (Watkins *et al.* 1987, Clark and Gagnon 2002, Morano *et al.* 2012). These acoustic observations from both coastal and deep-ocean regions support the conclusion that male fin whales are broadly distributed throughout the western North Atlantic for most of the year (Hayes *et al.* 2019).

Kraus *et al.* (2016) suggest that, compared to other baleen whale species, fin whales have a high multi-seasonal relative abundance in the RI/MA & MA WEAs and surrounding areas. Fin whales were observed in the MA WEA in spring and summer. This species was observed primarily in the offshore (southern) regions of the RI/MA & MA WEAs during spring and was found closer to shore (northern areas) during the summer months (Kraus *et al.* 2016). Calves were observed three times and feeding was observed nine times during the Kraus *et al.* (2016) study. Although fin whales were largely absent from visual surveys in the RI/MA & MA WEAs in the fall and winter months (Kraus *et al.* 2016), acoustic data indicated that this species was present in the RI/MA & MA WEAs during all months of the year.

New England waters represent a major feeding ground for fin whales. The proposed project area would overlap spatially and temporally with a feeding BIA for fin whales, from March to October (LaBrecque *et al.* 2015). The separate year-round feeding BIA to the northeast does not overlap with the project area.

Sei Whale

The Nova Scotia stock of sei whales can be found in deeper waters of the continental shelf edge waters of the northeastern United States and northeastward to south of Newfoundland. NMFS considers sei whales occurring from the U.S. East Coast to Cape Breton, Nova Scotia, and east to 42° as the Nova Scotia stock of sei whales (Waring *et al.* 2016; Hayes *et al.* 2018). In the Northwest Atlantic, it is speculated that the whales migrate from south of Cape Cod along the eastern Canadian coast in June and July, and return on a southward migration again in September and October (Waring *et al.* 2014; 2017). Spring is the period of greatest abundance in U.S. waters, with sightings concentrated along the eastern margin of Georges Bank and into the Northeast Channel area, and along the southwestern edge of Georges Bank in the area of Hydrographer Canyon (Waring *et al.,* 2015). A BIA for sei whale feeding occurs east of, but near, the project area from May through November (LaBrecque *et al.* 2015).

Minke Whale

Minke whales occur in temperate, tropical, and high-latitude waters. The Canadian East Coast stock occur in the area from the western half of the Davis Strait (45° W) to the Gulf of Mexico (Waring *et al.,* 2017). This species generally occupies waters less than 100 m deep on the continental shelf. There appears to be a strong seasonal component to minke whale distribution in which spring to fall are times of relatively widespread and common occurrence, and when the whales are most abundant in New England waters, while during winter the species appears to be largely absent (Waring *et al.,* 2017).

Kraus *et al.* (2016) observed minke whales in the RI/MA & MA WEAs and surrounding areas primarily from May to June. This species demonstrated a distinct seasonal habitat usage pattern that was consistent throughout the study. Though minke whales were observed in spring and summer months in the MA WEA, they were only observed in the lease areas in the spring. Minke whales were not observed between October and February, but acoustic data indicate the presence of this species in the offshore proposed project area in winter months. A BIA for minke whale feeding occurs east of, but near, the project area from March to November.

Since January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. Partial or full necropsy examinations have been conducted on more than 60 percent of the 105 known cases (as of April 28, 2021). Preliminary findings in several of the whales have shown evidence of human interactions or infectious disease. These findings are not consistent across all of the whales examined, so more research is needed. More information is available at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2021-minke-whale-unusual-mortality-event-along-atlantic-coast* (accessed April 28, 2021).

Sperm Whale

The distribution of the sperm whale in the U.S. Exclusive Economic Zone (EEZ) occurs on the continental shelf edge, over the continental slope, and into mid-ocean regions (Waring *et al.* 2015). Sperm whales are somewhat migratory; however, their migrations are not as specific as seen in most of the baleen whale species. In the North Atlantic, there appears to be a general shift northward during the summer, but there is no clear migration in some temperate areas (Rice 1989). In summer, the distribution of sperm whales includes the area east and north of Georges Bank and into the Northeast Channel region, as well as the continental shelf (inshore of the 100-m isobath) south of New England. In the fall, sperm whale occurrence south of New England on the continental shelf is at its highest level, and there remains a continental shelf edge occurrence in the mid-Atlantic bight. In winter, sperm

whales are concentrated east and northeast of Cape Hatteras. Their distribution is typically associated with waters over the continental shelf break and the continental slope and into deeper waters (Whitehead *et al.* 1991). Sperm whale concentrations near drop-offs and areas with strong currents and steep topography are correlated with high productivity. These whales occur almost exclusively at the shelf break, regardless of season.

Kraus *et al.* (2016) observed sperm whales four times in the RI/MA & MA WEAs during the summer and fall from 2011 to 2015. Sperm whales, traveling singly or in groups of three or four, were observed three times in August and September of 2012, and once in June of 2015.

Long-Finned Pilot Whale

Long-finned pilot whales occur from North Carolina north to Iceland, Greenland and the Barents Sea (Waring *et al.,* 2016). They generally occur along the edge of the continental shelf (a depth of 330 to 3,300 feet (100 to 1,000 meters)), choosing areas of high relief or submerged banks in cold or temperate shoreline waters. In the western North Atlantic, long-finned pilot whales are pelagic, occurring in especially high densities in winter and spring over the continental slope, then moving inshore and onto the shelf in summer and autumn following squid and mackerel populations (Reeves *et al.* 2002). They frequently travel into the central and northern Georges Bank, Great South Channel, and Gulf of Maine areas during the late spring and remain through early fall (May and October) (Payne and Heinemann 1993).

Note that long-finned and short-finned pilot whales overlap spatially along the mid-Atlantic shelf break between New Jersey and the southern flank of Georges Bank (Payne and Heinemann 1993, Hayes *et al.* 2017) Long-finned pilot whales have occasionally been observed stranded as far south as South Carolina, and short-finned pilot whale have stranded as far north as Massachusetts (Hayes *et al.* 2017). The latitudinal ranges of the two species therefore remain uncertain. However, north of approximately 42° N (slightly north of the project area), most pilot whale sightings are expected to be long-finned pilot whales (Hayes *et al.* 2017). Based on the distributions described in Hayes *et al.* (2017), pilot whale sightings in the project area would are expected to be long-finned pilot whales.

Kraus *et al.* (2016) observed pilot whales infrequently in the RI/MA & MA WEAs and surrounding areas. No pilot whales were observed during the fall or winter, and these species were only observed 11 times in the spring and three times in the summer.

Atlantic White-Sided Dolphin

White-sided dolphins occur in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100-m depth contour from central West Greenland to North Carolina (Waring *et al.,* 2017). The Gulf of Maine stock is most common in continental shelf waters from Hudson Canyon to Georges Bank, and in the Gulf of Maine and lower Bay of Fundy. Sighting data indicate seasonal shifts in distribution (Northridge *et al.,* 1997). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), with even lower numbers south of Georges Bank, as documented by a few strandings collected on beaches of Virginia to South Carolina. From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, occur year round but at low densities.

Kraus *et al.* (2016) suggest that Atlantic white-sided dolphins occur infrequently in the RI/MA & MA WEAs and surrounding areas. Effort-weighted average sighting rates for Atlantic white-sided dolphins could not be calculated, because this species was only observed on eight occasions throughout the duration of the study (October 2011 to June 2015). No Atlantic white-sided dolphins were observed during the winter months, and this species was only sighted twice in the fall and three times in the spring and summer.

Common Dolphin

The common dolphin occurs world-wide in temperate to subtropical seas. In the North Atlantic, common dolphins commonly occur over the continental shelf between the 100-m and 2,000-m isobaths and over prominent underwater topography and east to the mid-Atlantic Ridge (Waring *et al.,* 2016). This species is found between Cape Hatteras and Georges Bank from mid-January to May, although they migrate onto the northeast edge of Georges Bank in the fall where large aggregations occur (Kenney and Vigness-Raposa 2009), where large aggregations occur on Georges Bank in fall (Waring *et al.* 2007). Kraus *et al.* (2016) suggested that common dolphins occur year-round in the RI/MA & MA WEAs and surrounding areas. Common dolphins were the most frequently observed small cetacean species within the Kraus *et al.* (2016) study area. Common dolphins were observed in the RI/MA & MA WEAs in all seasons and observed in the Lease Area OCS–A 0501 in spring, summer, and fall.

Bottlenose Dolphin

Bottlenose dolphins encountered in the survey area would likely belong to the Western North Atlantic Offshore Stock (Hayes *et al.* 2020). While, it is possible that a few animals encountered during the surveys could be from the North Atlantic Northern Migratory Coastal Stock, they generally do not range farther north than New Jersey, and therefore, such an occurrence would be unlikely, and take of the North Atlantic Northern Migratory Coastal Stock is not considered further. Kraus *et al.* (2016) observed common bottlenose dolphins during all seasons within the RI/MA & MA WEAs. Common bottlenose dolphins were the second most commonly observed small cetacean species and exhibited little seasonal variability in abundance. They were observed in the MA WEA in all seasons and observed in Lease Area OCS–A 0501 in the fall and winter.

Risso's Dolphins

Off the northeastern U.S. coast, Risso's dolphins are distributed along the continental shelf edge from Cape Hatteras northward to Georges Bank during spring, summer, and autumn (CETAP 1982; Payne *et al.* 1984). In winter, the range is in the mid-Atlantic Bight and extends outward into oceanic waters (Payne *et al.* 1984). Kraus *et al.* (2016) results suggest that Risso's dolphins occur infrequently in the RI/MA & MA WEAs and surrounding areas.

Harbor Porpoise

The Gulf of Maine/Bay of Fundy stock of harbor porpoise may occur in the project area. This stock occurs in U.S. and Canadian Atlantic waters and is concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Waring *et al.,* 2017). During fall (October–December) and spring (April–June) harbor porpoises are widely dispersed from New Jersey to Maine. During winter (January to March), intermediate densities of harbor porpoises occur in waters off New Jersey to North Carolina, and lower densities are found in waters off New York to New Brunswick, Canada. They occur from the coastline to deep waters

(>1,800 m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf (Waring *et al.,* 2017).

Kraus *et al.* (2016) indicate that harbor porpoises occur within the RI/MA & MA WEAs in fall, winter, and spring. Harbor porpoises were observed in groups ranging in size from three to 15 individuals and were primarily observed in the Kraus *et al.* (2016) study area from November through May, with very few sightings during June through September.

Harbor Seal

Harbor seals occur year-round in the coastal waters of eastern Canada and Maine (Katona *et al.* 1993), and occur seasonally along the coasts from southern New England to New Jersey from September through late May. While harbor seals occur year-round north of Cape Cod, they only occur during winter migration, typically September through May, south of Cape Cod (Southern New England to New Jersey; Waring *et al.* 2015; Kenney and Vigness-Raposa 2009).

Gray Seal

The western North Atlantic stock of gray seal occurs in the project area. The range for this stock is thought to be from New Jersey to Labrador. Current population trends show that gray seal abundance is likely increasing in the U.S. Atlantic EEZ (Waring *et al.,* 2017). Gray seals are expected to occur year-round in at least some potential OECC routes, with seasonal occurrence in the offshore areas from September to May (Hayes *et al.* 2018).

Since July 2018, elevated numbers of harbor seal and gray seal mortalities have occurred across Maine, New Hampshire and Massachusetts. This event has been declared a UME. Additionally, seals showing clinical signs of stranding have occurred as far south as Virginia, although not in elevated numbers. Therefore the UME investigation now encompasses all seal strandings from Maine to Virginia (including harp and hooded seals, though no take of either species is proposed for authorization). Between July 1, 2018 and April 28, 2021, a total of 3,152 seal strandings have been recorded as part of this designated Northeast Pinniped UME. Based on tests conducted so far, the main pathogen found in the seals is phocine distemper virus. Additional testing to identify other factors that may be involved in this UME are underway. Please see *https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018-2020-pinniped-unusual-mortality-event-along* for additional information.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS (NMFS, 2018)

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. 14 marine mammal species (12 cetacean and two phocids pinnipeds) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, five are classified as low-frequency cetaceans (*i.e.,* all mysticete species), six are classified as mid-frequency cetaceans (*i.e.,* all delphinid species and the sperm whale), and one is classified as high-frequency cetaceans (*i.e.,* harbor porpoise).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary of the ways that Vineyard Wind 1's specified activity may impact marine mammals and their habitat. Detailed descriptions of the potential effects of similar specified activities have been provided in other recent **Federal Register** notices, including for survey activities using the same methodology, over a similar amount of time, and occurring within the same specified geographical region (*e.g.,* 82 FR 20563, May 3, 2017; 85 FR 36537, June 17, 2020; 85 FR 37848, June 24, 2020; 85 FR 48179, August 10, 2020). No significant new information is available, and we refer the reader to these documents

rather than repeating the details here. The Estimated Take section includes a quantitative analysis of the number of individuals that are expected to be taken by Vineyard Wind 1's activity. The Negligible Impact Analysis and Determination section considers the potential effects of the specified activity, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Background on Active Acoustic Sound Sources and Acoustic Terminology

This subsection contains a brief technical background on sound, on the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to the summary of the potential effects of the specified activity on marine mammals. For general information on sound and its interaction with the marine environment, please see, *e.g.,* Au and Hastings (2008); Richardson *et al.* (1995); Urick (1983).

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically described using the relative unit of the decibel. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 microPascal (μPa)), and is a logarithmic unit that accounts for large variations in amplitude. Therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 μPa), while the received level is the SPL at the listener's position (referenced to 1 μPa).

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 μPa^2-s) represents the total energy in a stated frequency band over a stated time interval or event and considers both intensity and duration of exposure. The per-pulse SEL is calculated over the time window containing the entire pulse (*i.e.,* 100 percent of the acoustic energy). SEL is a cumulative metric; it can be accumulated over a single pulse, or calculated over periods containing multiple pulses. Cumulative SEL represents the total energy accumulated by a receiver over a defined time window or during an event. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0–pk) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the rms sound pressure.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for sound produced by the pile driving activity considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound, which is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995). The sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.,* vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including wind and waves, which are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Precipitation can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times. Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz. Sources of ambient sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, geophysical surveys, sonar, and explosions. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly.

The sum of the various natural and anthropogenic sound sources that comprise ambient sound at any given location and time depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth

discussion of these concepts. The distinction between these two sound types is not always obvious, as certain signals share properties of both pulsed and non-pulsed sounds. A signal near a source could be categorized as a pulse, but due to propagation effects as it moves farther from the source, the signal duration becomes longer (*e.g.,* Greene and Richardson, 1988).

Pulsed sound sources (*e.g.,* airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or intermittent (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Sparkers and boomers produce pulsed signals with energy in the frequency ranges specified in Table 1. The amplitude of the acoustic wave emitted from sparker sources is equal in all directions (*i.e.,* omnidirectional), while other sources planned for use during the proposed surveys have some degree of directionality to the beam, as specified in Table 1. Other sources planned for use during the proposed survey activity (*e.g.,* CHIRP SBPs) should be considered non-pulsed, intermittent sources.

Summary on Specific Potential Effects of Acoustic Sound Sources

Underwater sound from active acoustic sources can include one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking. The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007).

Animals in the vicinity of Vineyard Wind 1's proposed HRG survey activity are unlikely to incur even TTS due to the characteristics of the sound sources, which include relatively low source levels (176 to 205 dB re 1 μPa-m) and generally very short pulses and potential duration of exposure. These characteristics mean that instantaneous exposure is unlikely to cause TTS, as it is unlikely that exposure would occur close enough to the vessel for received levels to exceed peak pressure TTS criteria, and that the cumulative duration of exposure would be insufficient to exceed cumulative sound exposure level (SEL) criteria. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which have the greatest sensitivity to potential TTS, individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim through at such a close range. Further, the restricted beam shape of many of HRG survey devices planned for use (Table 1) makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel.

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal.

In addition, sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. Marine mammal communications would not likely be masked appreciably by the acoustic signals given the directionality of the signals for most HRG survey equipment types planned for use (Table 1) and the brief period when an individual mammal is likely to be exposed.

Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fish, zooplankton) (*i.e.,* effects to marine mammal habitat). Prey species exposed to sound might move away from the sound source, experience TTS, experience masking of biologically relevant sounds, or show no obvious direct effects. The most likely impacts (if any) for most prey species in a given area would be temporary avoidance of the area. Surveys using active acoustic sound sources move through an area relatively quickly, limiting exposure to multiple pulses. In all cases, sound levels would return to ambient once a survey ends and the noise source is shut down and, when exposure to sound

ends, behavioral and/or physiological responses are expected to end relatively quickly. Finally, the HRG survey equipment will not have significant impacts to the seafloor and does not represent a source of pollution.

Vessel Strike

Vessel collisions with marine mammals, or ship strikes, can result in death or serious injury of the animal. These interactions are typically associated with large whales, which are less maneuverable than are smaller cetaceans or pinnipeds in relation to large vessels. Ship strikes generally involve commercial shipping vessels, which are generally larger and of which there is much more traffic in the ocean than geophysical survey vessels. Jensen and Silber (2004) summarized ship strikes of large whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (*e.g.,* commercial shipping). For vessels used in geophysical survey activities, vessel speed while towing gear is typically only 4–5 knots. At these speeds, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are so low as to be discountable. At average transit speed for geophysical survey vessels, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again low given the smaller size of these vessels and generally slower speeds. Notably in the Jensen and Silber study, no strike incidents were reported for geophysical survey vessels during that time period.

The potential effects of Vineyard Wind 1's specified survey activity are expected to be limited to Level B behavioral harassment. No permanent or temporary auditory effects, or significant impacts to marine mammal habitat, including prey, are expected.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS's consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to HRG sources. Based primarily on the characteristics of the signals produced by the acoustic sources planned for use, Level A harassment is neither anticipated (even absent mitigation) nor proposed to be authorized. Consideration of the anticipated effectiveness of the mitigation measures (*i.e.,* exclusion zones (EZs) and shutdown measures) discussed in detail below in the Proposed Mitigation section, further strengthens the conclusion that Level A harassment is not a reasonably anticipated outcome of the survey activity. As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 160 dB re 1 μPa (rms) for the impulsive sources (*i.e.,* boomers, sparkers) and non-impulsive, intermittent sources (*e.g.,* chirp SBPs) evaluated here for Vineyard Wind 1's proposed activity.

Level A harassment—NMFS's Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). For more information, see NMFS's 2018 Technical Guidance, which may be accessed at *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

Vineyard Wind 1's proposed activity includes the use of impulsive (*i.e.,* sparkers and boomers) and non-impulsive (*e.g.,* CHIRP SBP) sources. However, as discussed above, NMFS has concluded that Level A harassment is not a reasonably likely outcome for marine mammals exposed to noise through use of the sources proposed for use here, and the potential for Level A harassment is not evaluated further in this document. Please see Vineyard Wind 1's application for details of a quantitative exposure analysis exercise, *i.e.,* calculated Level A harassment isopleths and estimated Level A harassment exposures. Maximum estimated Level A harassment isopleths were less than 5 m for all sources and hearing groups with the exception of an estimated 53 m zone calculated for high-frequency cetaceans during use of the Applied Acoustics AA251 Boomer, (see Table 1 for source characteristics). Vineyard Wind 1 did not request authorization of take by Level A harassment, and no take by Level A

harassment is proposed for authorization by NMFS.

Ensonified Area

NMFS has developed a user-friendly methodology for estimating the extent of the Level B harassment isopleths associated with relevant HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and directionality to refine estimated ensonified zones. For acoustic sources that operate with different beamwidths, the maximum beamwidth was used, and the lowest frequency of the source was used when calculating the frequency-dependent absorption coefficient (Table 1).

NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best available information on source levels associated with HRG equipment and, therefore, recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to estimate isopleth distances to harassment thresholds. In cases when the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS recommends that either the source levels provided by the manufacturer be used, or, in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) be used instead. Table 1 shows the HRG equipment types that may be used during the proposed surveys and the source levels associated with those HRG equipment types.

Results of modeling using the methodology described above indicated that, of the HRG survey equipment planned for use by Vineyard Wind 1 that has the potential to result in Level B harassment of marine mammals, the Applied Acoustics AA251 Boomer would produce the largest Level B harassment isopleth (178 m; see Table 7 of Vineyard Wind 1's application). The estimated Level B harassment isopleth associated with the GeoMarine Geo Spark 2000 (400 tip) system planned for use is 141 m. Although Vineyard Wind 1 does not expect to use the AA251 Boomer source on all planned survey days, it proposes to assume, for purposes of analysis, that the boomer would be used on all survey days. This is a conservative approach, as the actual sources used on individual survey days may produce smaller harassment distances.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Density estimates for all species within the project area were derived from habitat-based density modeling results reported by Roberts *et al.* (2016, 2017, 2018, 2020). The data presented by Roberts *et al.* (2016, 2017, 2018, 2020) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). In subsequent years, certain models have been updated based on additional data as well as certain methodological improvements. More information is available online at *https://seamap.env.duke.edu/models/Duke/EC/.*

Marine mammal density estimates in the survey area (animals/km^2) were obtained using the most recent model results for all taxa (Roberts *et al.,* 2016, 2017, 2018, 2020). We note the availability of a more recent model version for the North Atlantic right whale. However, this latest update resulted in changed predictions only for Cape Cod Bay and, therefore, would not result in changes to the take estimate presented herein. More information is available online at: *https://seamap.env.duke.edu/models/Duke/EC/EC_North_Atlantic_right_whale_history.html.* The updated models incorporate additional sighting data, including sightings from NOAA's Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys. Roberts *et al.* (2016, 2017, 2018, 2020) provide abundance estimates for species or species guilds within 10 km x 10 km grid cells (100 km^2; except North Atlantic right whale—see discussion below) on a monthly or annual basis, depending on the species.

For the exposure analysis, density data from Roberts *et al.* (2016, 2017, 2018, 2020) were mapped using a geographic information system (GIS). Vineyard Wind 1 calculated densities within a 50 km buffer polygon around the wind development area perimeter. The 50 km limit was derived from studies demonstrating that received levels, distance from the source, and behavioral context are known to influence marine mammals' probability of behavioral response (Dunlop *et al.* 2017). The monthly density was determined by calculating the mean of all grid cells partially or fully within the buffer polygon. The average monthly abundance for each species in each survey area was calculated as the mean value of the grid cells within the buffer area in each month and then converted to density (individuals/km^2) by dividing by 100 km^2 (Table 1). Annual mean densities were calculated from monthly densities (Table 4).

The estimated monthly densities of North Atlantic right whales were based on updated model results from Roberts *et al.* (2020). These updated data for North Atlantic right whales are provided as densities (individuals/1 km^2) within 5 km x 5 km grid cells (25 km^2) on a monthly basis. The same GIS process described above was used to select the appropriate grid cells from each month and the monthly North Atlantic right whale density in each survey area was calculated as the mean value of the grid cells as described above. Additional data regarding average group sizes from survey effort in the region was considered to ensure adequate take estimates are evaluated.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to harassment thresholds are calculated, as described above. Those distances are then used to calculate the area(s) around the HRG survey equipment predicted to be ensonified to sound levels that exceed harassment thresholds. The area estimated to be ensonified to relevant thresholds in a single day (zone of influence (ZOI)) is then calculated, based on areas predicted to be ensonified around the HRG survey equipment (*i.e.,* 178 m) and the estimated trackline distance traveled per day by the survey vessel (*i.e.,* 80 km). Based on the maximum estimated distance to the Level B harassment threshold of 178 m (Applied Acoustics AA251 Boomer) and the maximum estimated daily track line distance of 80 km, the ZOI is estimated to be 28.58 km^2 during Vineyard Wind 1's planned HRG surveys. As described above, this is a conservative estimate as it assumes the HRG source that results in the greatest distance to the Level B harassment isopleth would be operated at all times during all vessel days.

$$ZOI = (Distance/day \times 2r) + \pi r^2$$

Where r is the linear distance from the source to the harassment isopleth.

Potential daily Level B harassment takes are estimated by multiplying the average annual marine mammal densities (animals/km^2), as described above, by the ZOI. Estimated numbers of each species taken over the duration of the authorization are calculated by multiplying the potential daily Level B harassment takes by the total number of vessel days plus a 10 percent buffer (*i.e.,* by 170 vessel days × 1.1 percent = 192.5 vessel days). The product is then rounded, to generate an estimate of the total number of instances of harassment expected for each species over the duration of the survey. A summary of this method is illustrated in the following formula:

Estimated Take = D × ZOI × vessel days

Where D = average species density (animals/km^2), ZOI = maximum daily ensonified area to relevant threshold, and vessel days = 192.5.

Take by Level B harassment proposed for authorization is shown in Table 4.

TABLE 4—TOTAL NUMBERS OF POTENTIAL INCIDENTAL TAKE OF MARINE MAMMALS PROPOSED FOR AUTHORIZATION AND PROPOSED TAKES AS A PERCENTAGE OF POPULATION

Species of interest	Annual mean density (km^2)	Estimated takes by Level B harassment	Proposed takes by Level B harassment [a]	Abundance	Percent of stock
Fin whale	0.00149	8.22	8	6,802	0.13
Humpback whale	0.00084	4.63	5	1,393	0.36
Minke whale	0.00062	3.42	3	21,968	0.02
North Atlantic right whale	0.00164	9.05	9	368	2.72
Sei whale	0.00005	0.28	2	6,292	0.03
Sperm whale	0.00006	0.33	2	4,349	0.05
Atlantic white sided dolphin	0.02226	122.78	123	92,233	0.13
Bottlenose dolphin	0.0403	222.29	222	62,851	0.35
Long-finned pilot whale	0.00459	25.32	25	39,215	0.07
Risso's dolphin	0.00012	0.66	8	35,493	0.02
Common dolphin	0.0544	300.06	3,484	172,974	2.01
Harbor porpoise	0.02858	157.64	158	95,543	0.17
Gray seal [b]	0.09784	539.67	540	27,131	1.99
Harbor seal [b]	.....	539.67	540	75,834	0.71

[a] Increases from calculated values for sei whale, sperm whale, and Risso's dolphin are based on observed group sizes during Vineyard Wind LLC's 2018–2020 surveys (Vineyard Wind 2018, 2020a, 2020b).

[b] Roberts *et al.* (2018) only provides density estimates for seals without differentiating by species. Harbor seals and gray seals are assumed to occur equally; therefore, density values were split evenly between the two species, *i.e.,* total estimated take for "seals" is 1,080.

The take numbers shown in Table 4 are those requested by Vineyard Wind 1, with the exception of certain minor rounding differences. Further, Vineyard Wind 1 requested take of the pilot whale guild, rather than just long-finned pilot whale, but as described previously, pilot whales in the project area are expected to be long-finned pilot whales. Additionally, NMFS increased proposed Level B harassment take of common dolphin to 3,484 takes. This take estimate reflects the daily rate of approximately 18.1 common dolphin observations within the Level B harassment zone per vessel day (3,332 dolphin observations over 184 days) during surveys under Vineyard Wind's previous IHA (85 FR 42357; July 14, 2020), and an estimated 192.5 vessel days, as described above (18.1 takes per day × 192.5 vessel days = 3,484 takes). Given the overlap in project areas, NMFS expects that this estimate is more appropriate than the density-based common dolphin take estimate calculated by Vineyard Wind 1. For all other species, NMFS concurs with the take numbers requested by Vineyard Wind 1 and proposes to authorize them.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

Mitigation for Marine Mammals and Their Habitat

NMFS proposes the following mitigation measures be implemented during Vineyard Wind 1's proposed marine site characterization surveys.

Marine Mammal Exclusion Zones and Harassment Zones

Marine mammal EZs would be established around the HRG survey equipment and monitored by protected species observers (PSO):

- 500 m (1,640 ft) EZ for North Atlantic right whales during use of

impulsive acoustic sources (*e.g.,* boomers and/or sparkers) and certain non-impulsive acoustic sources (nonparametric sub-bottom profilers); and

• 100 m (328 ft) EZ for all other marine mammals, with certain exceptions specified below, during use of impulsive acoustic sources (*e.g.,* boomers and/or sparkers).

If a marine mammal is detected approaching or entering the EZs during the HRG survey, the vessel operator would adhere to the shutdown procedures described below to minimize noise impacts on the animals. These stated requirements will be included in the training to be provided to the survey team.

Pre-Clearance of the Exclusion Zones

Vineyard Wind 1 would implement a 60-minute pre-clearance period of the EZs prior to the initiation of ramp-up of HRG equipment. This pre-clearance duration was proposed by Vineyard Wind 1. During this period, the EZ will be monitored by the PSO(s), using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective EZ. If a marine mammal is observed within an EZ during the pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals, 60 minutes for North Atlantic right whale, and 30 minutes for all other species). Here and below, the 60-minute North Atlantic right whale clearance period was proposed by Vineyard Wind 1.

Ramp-Up of Survey Equipment

When technically feasible, a ramp-up procedure would be used for HRG survey equipment capable of adjusting energy levels at the start or restart of survey activities. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power.

A ramp-up would begin with the powering up of the smallest acoustic HRG equipment at its lowest practical power output appropriate for the survey. When technically feasible, the power would then be gradually turned up and other acoustic sources would be added.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective EZ. Ramp-up will continue if the animal has been observed exiting its respective EZ or until an additional time period has elapsed with no further sighting (*i.e,* 15 minutes for small odontocetes and seals, 60 minutes for North Atlantic right whale, and 30 minutes for all other species).

Activation of survey equipment through ramp-up procedures may not occur when visual observation of the pre-clearance/exclusion zone is not expected to be effective using the appropriate visual technology (*i.e.,* during inclement conditions such as heavy rain or fog).

Shutdown Procedures

An immediate shutdown of the HRG survey equipment would be required if a marine mammal is sighted entering or within its respective EZ. The vessel operator must comply immediately with any call for shutdown by the PSO. Any disagreement between the PSO and vessel operator should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective EZ or until an additional time period has elapsed (*i.e,* 15 minutes for delphinid cetaceans and seals, 60 minutes for North Atlantic Right Whale, and 30 minutes for all other species).

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone (178 m impulsive), shutdown would occur.

If the acoustic source is shut down for reasons other than mitigation (*e.g.,* mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant observation and no detections of any marine mammal have occurred within the respective EZs. If the acoustic source is shut down for a period longer than 30 minutes and PSOs have maintained constant observation, then pre-clearance and ramp-up procedures will be initiated as described in the previous section.

The shutdown requirement would be waived for small delphinids of the following genera: *Delphinus, Lagenorhynchus (acutus* only), and *Tursiops.* Specifically, if a delphinid from the specified genera is visually detected approaching the vessel (*i.e.,* to bow ride) or towed equipment, shutdown is not required. Furthermore, if there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgement in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid detected in the EZ belongs to a genus other than those specified.

Shutdown, pre-start clearance, and ramp-up procedures are not required during HRG survey operations using only non-impulsive sources (*e.g.,* USBL and parametric sub-bottom profilers) other than non-parametric sub-bottom profilers (*e.g.,* CHIRPs). Pre-clearance and ramp-up, but not shutdown, are required when using non-impulsive, non-parametric sub-bottom profilers.

Vessel Strike Avoidance

Vineyard Wind 1 will ensure that vessel operators and crew maintain a vigilant watch for cetaceans and pinnipeds and slow down or stop their vessels to avoid striking these species. Survey vessel crew members responsible for navigation duties will receive site-specific training on marine mammals sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

• Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal;

• All survey vessels, regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes including seasonal management areas (SMAs) and dynamic management areas (DMAs) when in effect;

• All vessels greater than or equal to 19.8 m in overall length operating from November 1 through April 30 will

operate at speeds of 10 knots or less, except while transiting in Nantucket Sound;

• All vessels must reduce their speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel;

• All vessels must maintain a minimum separation distance of 500 m from right whales. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action;

• All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales;

• All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel);

• When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained;

• These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply; and

• Members of the monitoring team will consult NMFS North Atlantic right whale reporting system and Whale Alert, as able, for the presence of North Atlantic right whales throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the survey area during the survey, the vessels will abide by speed restrictions in the DMA.

Passive Acoustic Monitoring

Vineyard Wind 1 has proposed to employ trained passive acoustic monitoring (PAM) operators to monitor for acoustic detections of marine mammals during nighttime HRG survey activities. PAM operators will communicate nighttime detections to the lead PSO on duty who will ensure the implementation of the appropriate mitigation measure. If PAM is not used or is deemed non-functional at any time during the survey, the survey will be shut down until PAM is restored. NMFS does not concur that PAM is an effective technique for detecting mysticetes in order to implement mitigation measures during HRG surveys, given masking that would occur from vessel noise and flow noise. Therefore, NMFS has not included it as a requirement in this proposed IHA.

Seasonal Restrictions

Vineyard Wind 1 will not operate more than three concurrent HRG survey vessels, with HRG survey equipment operating below 200 kHz, from January through April within the lease area or export cable corridor, not including coastal and bay waters. Additionally, the monitoring team will consult NMFS's North Atlantic right whale reporting systems for any observed right whales throughout survey operations within or adjacent to SMAs and/or DMAs, and will comply with 10 knot speed restrictions in any DMA, as noted above.

Crew Training

Prior to initiation of survey work, all crew members will undergo environmental training, a component of which will focus on the procedures for sighting and protection of marine mammals.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).

• Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.

• How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.

• Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).

• Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

As described above, visual monitoring would be performed by qualified and NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Vineyard Wind 1 would employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including exclusion zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established exclusion

zones during survey activities. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (*e.g.,* any day on which use of an HRG source is planned to occur), a minimum of one PSO must be on duty and conducting visual observations at all times on all active survey vessels when HRG equipment operating at or below 200 kHz is operating, including both daytime and nighttime operations. Visual monitoring would begin no less than 60 minutes prior to initiation of HRG survey equipment and would continue until 30 minutes after use of the acoustic source ceases. Vineyard Wind 1 states that a requirement to employ at least 2 PSOs during all nighttime survey operations is impracticable, given the limited available berths on the survey vessels and additional personnel required to conduct PAM.

Observations would take place from the highest available vantage point on the survey vessel. In cases where more than one PSO is on duty at a time PSOs would coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts. PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least two hours between watches and may conduct a maximum of 12 hours of observation per 24-hour period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to exclusion zones. Reticulated binoculars will also be available to PSOs for use as appropriate based on conditions and visibility to support the monitoring of marine mammals. PSOs must use night-vision technology during nighttime surveys when the sources are active. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs would conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the acoustic source. Any observations of marine mammals by crew members aboard any vessel associated with the survey would be relayed to the PSO team. Data on all PSO observations would be recorded based on standard PSO collection requirements. This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal take that occurs (*e.g.,* noted behavioral disturbances).

Proposed Reporting Measures

Within 90 days after completion of survey activities, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals estimated to have been taken during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring measures. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. PSO datasheets or raw sightings data must also be provided with the draft and final monitoring report. All draft and final monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Davis@noaa.gov.*

The report must contain at minimum, the following:

- PSO names and affiliations;
- Dates of departures and returns to port with port name;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;
- Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions); and
- Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-clearance survey, ramp-up, shutdown, end of operations, *etc.*).

If a marine mammal is sighted, the following information should be recorded:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;
- Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;
- Estimated number of animals (high/low/best);
- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);
- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);
- Animal's closest point of approach and/or closest distance from the center point of the acoustic source; and
- Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

If a North Atlantic right whale is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Vineyard Wind 1 must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System: (866) 755–6622. North Atlantic right whale sightings in any location may also be reported to the U.S. Coast Guard via channel 16.

In the event that personnel involved in the survey activities covered by the

authorization discover an injured or dead marine mammal, Vineyard Wind 1 must report the incident to the NMFS Office of Protected Resources (OPR) and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

In the event of a vessel strike of a marine mammal by any vessel involved in the activities covered by the authorization, Vineyard Wind 1 must report the incident to the NMFS OPR and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all the species listed in Table 2, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature. Where there are meaningful differences between species or stocks—as is the case of the North Atlantic right whale—they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality would occur as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects of Specified Activity on Marine Mammals and Their Habitat section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007). Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the nature of the operations, the estimated size of the Level A harassment zones, and the required shutdown zones for certain activities.

In addition to being temporary, the maximum expected harassment zone around a survey vessel is 178 m. Although this distance is assumed for all survey activity in estimating take numbers proposed for authorization and evaluated here, in reality much of the survey activity would involve use of acoustic sources with smaller acoustic harassment zones, producing expected effects of particularly low severity. Therefore, the ensonified area surrounding each vessel is relatively small compared to the overall distribution of the animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the proposed survey area. (Biologically important areas for feeding and migration are discussed below.) There is no designated critical habitat for any ESA-listed marine mammals in the proposed survey area.

North Atlantic Right Whales

The status of the North Atlantic right whale population is of heightened concern and, therefore, merits additional analysis. As noted previously, elevated North Atlantic right whale mortalities began in June 2017 and there is an active UME. Overall, preliminary findings support human interactions, specifically vessel strikes

and entanglements, as the cause of death for the majority of right whales.

As noted previously, the proposed project area overlaps a migratory corridor BIA for North Atlantic right whales (March–April and November–December). In addition to the migratory BIA, Oleson *et al.* (2020) identified an area south of Martha's Vineyard and Nantucket, referred to as ''South of the Islands,'' as a newer, year-round, core North Atlantic right whale foraging habitat. The South of the Islands area overlaps with most of Vineyard Wind 1's project area.

As stated previously, the largest Level B harassment isopleth for Vineyard Wind 1's survey is 178 m. Therefore, even if Vineyard Wind 1 operates multiple survey vessels concurrently in this area, the total area ensonified above the Level B harassment threshold would be minimal in comparison with the remaining South of the Islands feeding habitat, and habitat within the migratory corridor BIA available to North Atlantic right whales. Additionally, NMFS is also requiring Vineyard Wind 1 to limit the number of survey vessels operating concurrently in the lease area or export cable corridor (not including coastal and bay waters) to no more than three from January through April, when North Atlantic right whale densities are the highest. Given the factors discussed above, and the temporary nature of the surveys, right whale migration is not expected to be impacted by the proposed survey, and feeding is not expected to be affected a degree that would affect North Atlantic right whale foraging success in the South of the Islands important feeding area.

No ship strike is expected to occur during Vineyard Wind 1's proposed activities, and required vessel strike avoidance measures will decrease risk of ship strike, including during migration and feeding. HRG survey operations are required to maintain a 500 m EZ and shutdown if a North Atlantic right whale is sighted at or within the EZ. Regarding take by Level B harassment, the 500 m shutdown zone for right whales is conservative, considering the Level B harassment isopleth for the most impactful acoustic source (*i.e.,* boomer) is estimated to be 178 m. Therefore, this EZ minimizes the potential for behavioral harassment of this species. Additionally, as noted previously, Level A harassment take is not expected for any species, including North Atlantic right whales, given the small PTS zones associated with HRG equipment types proposed for use.

The Level B harassment takes of North Atlantic right whale proposed for authorization are not expected to exacerbate or compound upon the ongoing UME. The limited North Atlantic right whale Level B harassment takes proposed for authorization are expected to be of a short duration, and given the number of estimated takes, repeated exposures of the same individual are not expected. Therefore, the takes would not be expected to impact individual fitness or annual rates of recruitment or survival. Further, given the relatively small size of the ensonified area during surveys, it is unlikely that North Atlantic right whale prey availability would be adversely affected by HRG survey operations.

Biologically Important Area for Fin Whales

The proposed project area overlaps with a feeding BIA for fin whales (March-October). The fin whale feeding BIA is large (2,933 km^2), and the acoustic footprint of the proposed survey is sufficiently small such that feeding opportunities for these whales would not be reduced appreciably. Any fin whales temporarily displaced from the proposed survey area would be expected to have sufficient remaining feeding habitat available to them, and would not be prevented from feeding in other areas within the biologically important feeding habitat. In addition, any displacement of fin whales from the BIA or interruption of foraging bouts would be expected to be temporary in nature. Therefore, we do not expect fin whales feeding within the feeding BIAs to be impacted by the proposed survey to an extent that would affect fitness or reproduction.

Other Marine Mammal Species With Active UMEs

As noted previously, there are several active UMEs occurring in the vicinity of Vineyard Wind 1's proposed survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or DPS) remains stable at approximately 12,000 individuals, and the Level B harassment takes of humpback whale proposed for authorization are not expected to exacerbate or compound the ongoing UME.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. The likely population abundance is greater than 20,000 whales, and the Level B harassment takes of minke whale proposed for authorization are not expected to exacerbate or compound upon the ongoing UME.

Elevated numbers of harbor seal and gray seal mortalities were first observed in July 2018 and have occurred across Maine, New Hampshire, and Massachusetts. Based on tests conducted so far, the main pathogen found in the seals is phocine distemper virus, although additional testing to identify other factors that may be involved in this UME are underway. The Level B harassment takes of harbor seal and gray seal proposed for authorization are not expected to exacerbate or compound upon the ongoing UME. For harbor seals, the population abundance is over 75,000 and annual M/SI (350) is well below PBR (2,006) (Hayes *et al.,* 2020). The population abundance for gray seals in the United States is over 27,000, with an estimated abundance, including seals in Canada, of approximately 450,000. In addition, the abundance of gray seals is likely increasing in the U.S. Atlantic as well as in Canada (Hayes *et al.,* 2020).

The required mitigation measures are expected to reduce the number and/or severity of proposed takes for all species listed in Table 2, including those with active UMEs, to the level of least practicable adverse impact. In particular they would provide animals the opportunity to move away from the sound source throughout the survey area before HRG survey equipment reaches full energy, thus preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. No Level A harassment is anticipated, even in the absence of mitigation measures, or proposed for authorization.

NMFS expects that takes would be in the form of short-term Level B behavioral harassment by way of brief startling reactions and/or temporary vacating of the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, required mitigation measures would further reduce exposure to sound that could result in more severe behavioral harassment.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or proposed for authorization;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or proposed for authorization;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the planned survey to avoid exposure to sounds from the activity;
- Take is anticipated to be primarily Level B behavioral harassment consisting of brief startling reactions and/or temporary avoidance of the survey area;
- While the survey area overlaps areas noted as a migratory BIA for North Atlantic right whales, the activities would occur in such a comparatively small area such that any avoidance of the survey area due to activities would not affect migration. In addition, mitigation measures to shutdown at 500 m to minimize potential for Level B behavioral harassment would limit any take of the species;
- Similarly, due to the relatively small footprint of the survey activities in relation to the size of the fin whale feeding BIA and South of the Islands North Atlantic right whale feeding area, the survey activities would not affect foraging success of these species; and
- The proposed mitigation measures, including visual monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from Vineyard Wind 1's proposed HRG survey activities will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Take of all species or stocks is below one third of the estimated stock abundance (in fact, take of individuals is less than 3 percent of the abundance for all affected stocks) as shown in Table 4. Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with NMFS Greater Atlantic Regional Fisheries Office (GARFO).

NMFS Office of Protected Resources (OPR) is proposing to authorize take of fin whale, North Atlantic right whale, sei whale, and sperm whale, which are listed under the ESA. OPR will consult with GARFO for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Vineyard Wind 1 for conducting marine site characterization surveys off of Massachusetts and Rhode Island for one year from the date of issuance, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization surveys. We also request at this time comment on the potential Renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of Proposed Activities section of this notice is planned or (2) the activities as described in the Description of Proposed Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses,

mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: June 1, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–11823 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–22–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; National Saltwater Angler Registry and State Exemption 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 January 25, 2021 (86 FR 6875) 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: National Saltwater Angler Registry and State Exemption Program.

OMB Control Number: 0648–0578.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 1204.

Average Hours Per Response: Registration of Anglers—3 minutes; Registration of For-Hire Vessels—3 minutes.

Total Annual Burden Hours: 61.

Needs and Uses: This request is for extension of a currently approved collection.

The National Saltwater Angler Registry Program (Registry Program) was established to implement recommendations included in the review of national saltwater angling data collection programs conducted by the National Research Council (NRC) in 2005/2006, and the provisions of the Magnuson-Stevens Reauthorization Act, codified at Section 401(g) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which require the Secretary of Commerce to commence improvements to recreational fisheries surveys, including establishing a national saltwater angler and for-hire vessel registry, by January 1, 2009. A final rule that includes regulatory measures to implement the Registry Program (RIN 0648–AW10) was adopted and codified in 50 CFR 600, Subpart P.

The Registry Program collects identification and contact information from those anglers and for-hire vessels who are involved in recreational fishing in the United States Exclusive Economic Zone or for anadromous fish in any waters, unless the anglers or vessels are exempted from the registration requirement. Data collected includes: For anglers: Name, address, date of birth, telephone contact information and region(s) of the country in which they fish; for for-hire vessels: Owner and operator name, address, date of birth, telephone contact information, vessel name and registration/documentation number and home port or primary operating area. This information is compiled into a national and/or series of regional registries that is being used to support surveys of recreational anglers and for-hire vessels to develop estimates of recreational angling effort.

Affected Public: Individuals or households; Business or other for-profit organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (MSA).

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 0648–0578.

Sheleen Dumas,

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

[FR Doc. 2021–11887 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–22–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; Data Collections To Support Comprehensive Economic and Socio-Economic Evaluations of the Fisheries in Regions of the United States Affected by Catastrophic Events

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 March 2, 2021(86 FR 12174) 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: Data Collections to Support Comprehensive Economic and Socio-Economic Evaluations of the Fisheries in Regions of the United States Affected by Catastrophic Events.

OMB Control Number: 0648–0767.

Form Number(s): None.

Type of Request: Regular submission [revision of a currently approved collection].

Number of Respondents: 7,184.

Average Hours per Response: Regional surveys of fishing operations: 30 minutes; Regional surveys of other fishing related businesses: 30 minutes; National surveys of fishing operations: 20 minutes; National surveys of other fishing related businesses: 20 minutes.

Total Annual Burden Hours: 3,200.

Needs and Uses: The revised information collection will allow NMFS to continue to collect information about the impacts of and recovery from regional and national catastrophic events and the factors that facilitated or impeded recovery. The impacts include insured and uninsured damages/losses and changes in revenue, operating costs and employment due to those events NMFS will collect this information from the owners or operators of commercial and for hire fishing vessels and from the owners or managers of other fishing related businesses. NMFS needs this information to conduct the economic and socio-economic evaluations of catastrophic regional fishery disasters mandated by SEC. 315(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Those and/or subsequent evaluations based on this information will be used by: (1) The Secretary of Commerce in determining if a fisheries disaster should be declared; (2) the Department of Commerce and NOAA in their deliberations regarding the disbursement of the fishery disaster relief assistance proved by Congress; (3) NMFS to inform agency leadership, state agencies, Congress, and constituents about the long-term effects of catastrophic events and the factors that facilitated or impeded recovery; and (4) NMFS to improve its ability to conduct the analyses required by the MSA and other applicable law, which will allow for better-informed, science-based fishery management decisions making.

The proposed revisions would expand the coverage of the currently approved information collection in two ways. First, they would expand the types of catastrophic events from ''hurricanes and other climate related natural disasters'' to events including hurricanes, tsunamis, floods, freshwater intrusions, severe harmful algal blooms (*e.g.,* red tides), extreme temperatures, oil spills, and pandemics. Second, they would extend the geographic scope from the ''Eastern, Gulf Coast and Caribbean Territories of the United States'' to all regions and territories of the United States. These proposed expansions are reflected in the request to change the title from ''Assessment of the Social and Economic Impact of Hurricanes and Other Climate Related Natural Disasters on Commercial and Recreational Fishing Industries in the Eastern, Gulf Coast and Caribbean Territories of the United States'' to ''Data Collections to Support Comprehensive Economic and Socio-Economic Evaluations of the Fisheries in Regions of the United States Affected by Catastrophic Events.'' NMFS will improve the survey instruments and collection methods based on lessons learned from conducting and assessing the previous information collections. The frequency of reporting will be from one to two times a year for each catastrophic event.

Affected Public: Individuals or households and business or other for-profit organizations.

Frequency: The frequency of reporting will be as needed from one to four times a year for each catastrophic event.

Respondent's Obligation: Voluntary.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act SEC. 315(c).

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 0648–0767.

Sheleen Dumas,

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

[FR Doc. 2021–11886 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB103]

Atlantic Highly Migratory Species; Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan; Bluefin Tuna Management

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

ACTION: Notice of public hearing webinars.

SUMMARY: NMFS announces the schedule of public hearing webinars for the proposed rule for Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (FMP) (Amendment 13). NMFS will provide information on the proposed management measures and take questions and comments from the public. The proposed measures would make several changes to the Individual Bluefin Quota (IBQ) Program, including distributing IBQ shares only to active vessels, implementing a cap on IBQ shares that may be held by an entity, and implementing a cost recovery program. The proposed measures would also discontinue the Purse Seine category and reallocate that bluefin quota to other directed quota categories; cap Harpoon category daily bluefin landings; modify the recreational trophy bluefin areas and subquotas; modify regulations regarding electronic monitoring of the pelagic longline fishery as well as green-stick use; and modify the regulation regarding permit category changes.

DATES: Public hearing webinars will be held on the dates listed below in Table 1 under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Thomas Warren, *thomas.warren@noaa.gov,* 978–281–9260, or Carrie Soltanoff, *Carrie.Soltanoff@noaa.gov,* 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

Atlantic highly migratory species (HMS) are managed under the dual authority of the Magnuson-Stevens Fishery Management and Conservation Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act. Under these authorities, regulations at 50 CFR part 635 implement the 2006 Consolidated HMS FMP as amended (copies are available upon request). NMFS began the process of considering new regulations focused on the management of bluefin tuna in 2019, when it announced scoping meetings and its intent to prepare environmental analyses under the National Environmental Policy Act (84 FR 23020; May 21, 2019). During 2019, NMFS conducted scoping meetings and subsequently began developing a Draft Environmental Impact Statement (DEIS) based on public and HMS Advisory Panel input, and relevant data.

NMFS announces public hearing webinars for the Amendment 13 proposed rule and DEIS. The proposed rule and a Notice of Availability of the DEIS published in separate **Federal Register** documents. The proposed rule published on May 21, 2021 (86 FR 27686) with a 60-day comment period, ending July 20, 2021. The proposed measures are as listed in the summary. The specifics of the proposed management measures are provided in the proposed rule and DEIS and are not repeated here. Until the proposed rule and environmental analyses are finalized or until other regulations are put into place, the current regulations remain in effect.

NMFS encourages participation by all people affected by or otherwise interested in recreational and commercial HMS fishing to participate in the public hearing webinars, at which NMFS will provide information on the proposed management measures and take questions and comments from the public. Participants are encouraged to log on and/or call into the public webinars, at the dates and times listed in Table 1 below. Requests for sign language interpretation or other auxiliary aids should be directed to Tom Warren or Carrie Soltanoff, at least 7 days prior to the meeting.

In addition to the dates and times in Table 1, NMFS has requested time on the agenda at the five Atlantic based Fishery Management Council meetings. If added to the Council agendas, the dates and times would be included in the agenda for those individual meetings and are not provided here.

TABLE 1—DATES, TIMES, AND DETAILS OF THE PUBLIC HEARING WEBINARS

Date	Time	Details on how to join the webinar: see website
June 8, 2021	2 to 4 p.m	*https://www.fisheries.noaa.gov/action/amendment-13-2006-consolidated-hms-fishery-management-plan-bluefin-management-measures.*
July 8, 2021	2 to 4 p.m	*https://www.fisheries.noaa.gov/action/amendment-13-2006-consolidated-hms-fishery-management-plan-bluefin-management-measures.*
July 14, 2021	2 to 4 p.m	*https://www.fisheries.noaa.gov/action/amendment-13-2006-consolidated-hms-fishery-management-plan-bluefin-management-measures.*

The public is reminded that NMFS expects participants at the public hearing webinars to conduct themselves appropriately. At the beginning of each webinar, a representative of NMFS will explain the ground rules (*e.g.,* attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the webinar so that all attending members of the public will be able to comment, if they so choose. Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the webinar.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: June 1, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–11833 Filed 6–4–21; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2020–0019]

Notice of Availability of Regulatory Flexibility Act Section 610 Review of the Safety Standards for the Testing and Labeling Regulations Pertaining to Product Certification of Children's Products, Including Reliance on Component Part Testing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is announcing the availability of a completed rule review under section 610 of the Regulatory Flexibility Act (RFA) for the Testing and Labeling Regulations Pertaining to Product Certification of Children's Products, Including Reliance on Component Part Testing. This regulatory review concludes that the testing and component part testing regulations should be maintained without change.

ADDRESSES: The completed review is available on the CPSC website at: *https://www.cpsc.gov/s3fs-public/Regulatory-Flexibility-Act-Review-of-Testing-and-Labeling-Regulations.pdf?rIp6oVfT143VJ29wBQgMbQ1c_R2jq39w.* The completed review will also be made available through the Federal eRulemaking Portal at: *https://www.regulations.gov*, under Docket No. CPSC–2020–0019, Supporting and Related Materials. Copies may also be obtained from the Consumer Product Safety Commission, Division of the Secretariat, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone: 301–504–7479; email *cpsc-os@cpsc.gov*.

FOR FURTHER INFORMATION CONTACT: Susan Proper, Directorate for Economic Analysis, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7628; email: *sproper@cspc.gov*.

SUPPLEMENTARY INFORMATION: In November 2011, the Commission issued two regulations related to testing: 16 CFR part 1107, ''Testing and Labeling Pertaining to Product Certification'' (testing regulation or part 1107) (76 FR 69482, November 8, 2011), and 16 CFR part 1109, ''Conditions and Requirements for Relying on Component Part Testing or Certification, or Another Party's Finished Product Certification, to Meet Testing and Certification Requirements'' (component part regulation or part 1109) (76 FR 69546, November 8, 2011). When parts 1107 and 1109 were promulgated in 2011, the final regulatory flexibility analysis found that the third party testing requirements in part 1107 would have a significant economic impact on a substantial number of small entities. In contrast, the final regulatory flexibility analysis for the component part regulation in part 1109 found that the regulation would not likely have a significant impact on a substantial number of small entities because component part testing is not mandatory. However, OMB determined that both 1107 and 1109 were

considered ''major rules'' under the Congressional Review Act (CRA).[1]

On August 24, 2020, the Commission published notice in the **Federal Register** (85 FR 52078) to announce that the CPSC would review the testing and component part testing regulations in accordance with the regulatory review provisions of section 610 of the RFA (5 U.S.C. 610). The CPSC sought public comment on the rule review. This document announces the availability of the completed regulatory review under section 610 of the testing and component part testing regulations.

The purpose of a rule review under section 610 of the RFA is to determine whether, consistent with the CPSC's statutory obligations, these standards should be maintained without change, rescinded, or modified to minimize any significant impact of the rule on a substantial number of small entities. Section 610 requires agencies to consider five factors in reviewing rules to minimize any significant economic impact of the rule on a substantial number of small entities including:

(1) The continued need for the rule;

(2) The nature of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. 5 U.S.C. 610(b).

The CPSC received five written comments. The comments came from (1) a small business that sells handmade items; (2) a small business that sells wooden toys and gifts; (3) a small importer of European toys; (4) the American Apparel & Footwear Association (AAFA); and (5) the Juvenile Products Manufacturers Association (JPMA). Staff's briefing package reviews all of the comments and provides staff's analysis applying the factors listed in section 610 of the RFA to the testing and component part testing regulations. As explained in the staff's briefing package, CPSC staff concludes that the testing and component part testing regulations should be retained without any changes.

The staff review is available on the CPSC's website at: *https://www.cpsc.gov/s3fs-public/Regulatory-Flexibility-Act-Review-of-Testing-and-Labeling-Regulations.pdf?rIp6oVfT143VJ29wBQgMbQ1c_R2jq39w*, *www.regulations.gov*, and from the Commission's Division of the Secretariat at the location listed in the **ADDRESSES** section of this notice.

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2021–11837 Filed 6–4–21; 8:45 am]

BILLING CODE 6355–01–P

[1] The CRA defines a ''major rule'' as one that has resulted in or is likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. 5 U.S.C. 804(2).

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0043]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: Consistent with the Paperwork Reduction Act of 1995 and its implementing regulations, this document provides notice DoD is submitting an Information Collection Request to the Office of Management and Budget (OMB) to collect information on Service members, DoD Civilians, and DoD contractors in evaluating 20 high and low risk installations as directed in Immediate Action 2 in the Secretary of Defense Memorandum, ''Immediate Actions to Counter Sexual Assault and Harassment and the Establishment of a 90-Day Independent Review Commission on Sexual Assault in the Military,'' February 26, 2021, DoD requests emergency processing and OMB authorization to collect the information after publication of this Notice for a period of six months.

DATES: Comments must be received by July 7, 2021.

ADDRESSES: The Department has requested emergency processing from OMB for this information collection request by 30 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 30-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: These information collections support an emergent, high-visibility Secretary of Defense requirement directed in February 2021 to conduct evaluations of 20 DoD installations where the military community is at increased or decreased risk for destructive behaviors as evidenced by measures of unhealthy command climate. Site visits will take place June-August 2021, report development in August 2021, Military Department coordination in September 2021 and delivery of the report to the Secretary by Oct 2021. Given the aggressive timelines the purpose of the initial high risk installation evaluations is to pilot an evaluation process and metrics in order to develop an enduring evaluation method to support future evaluations (expected to be conducted on biennial basis). DoD Office of Force Resiliency (OFR) will identify 20 DoD installations to take part in the assessment. At each location, a handful of DoD personnel who either have direct responsibility for prevention activities or their superiors will participate. There will be three data sources: (1) Responding to a ''request for information''; (2) participating in discussions during a three day site visit; and (3) completing a survey.

Title; Associated Form; and OMB Number: High Risk Installation Evaluations; OMB Control Number 0704–HRIE.

Type of Request: New.

Number of Respondents: 4,400.

Responses per Respondent: 1.

Annual Responses: 4,400.

Average Burden per Response: 70 minutes.

Annual Burden Hours: 5,134 hours.

Affected Public: Individuals or households.

Frequency: Biennial.

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: June 2, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–11890 Filed 6–4–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Army Corps of Engineers

Notice of Solicitation of Applications for Stakeholder Representative Members of the Missouri River Recovery Implementation Committee

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Commander of the Northwestern Division of the U.S. Army Corps of Engineers (Corps) is soliciting applications to fill vacant stakeholder representative member positions on the Missouri River Recovery Implementation Committee (MRRIC). Members are sought to fill vacancies on a committee to represent various categories of interests within the Missouri River basin. The MRRIC was formed to advise the Corps on a study of the Missouri River and its tributaries and to provide guidance to the Corps with respect to the Missouri River recovery and mitigation activities currently underway. The Corps established the MRRIC as required by the U.S. Congress through the Water Resources Development Act of 2007 (WRDA), Section 5018.

DATES: The agency must receive completed applications and endorsement letters no later than July 9, 2021.

ADDRESSES: Mail completed applications and endorsement letters to U.S. Army Corps of Engineers, Kansas City District (Attn: MRRIC), 601 E 12th Street, Kansas City, MO 64106 or email completed applications to *mrric@usace.army.mil.* Please put ''MRRIC'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Lisa Rabbe, 816–389–3837.

SUPPLEMENTARY INFORMATION: The operation of the MRRIC is in the public interest and provides support to the Corps in performing its duties and responsibilities under the Endangered Species Act, 16 U.S.C. 1531 *et seq.;* Sec. 601(a) of the Water Resources Development Act (WRDA) of 1986, Public Law 99–662; Sec. 334(a) of WRDA 1999, Public Law 106–53, and Sec. 5018 of WRDA 2007, Public Law 110–114. The Federal Advisory Committee Act, 5 U.S.C. App. 2, does not apply to the MRRIC.

A Charter for the MRRIC has been developed and should be reviewed prior to applying for a stakeholder representative membership position on the Committee. The Charter, operating procedures, and stakeholder application forms are available electronically at *www.MRRIC.org.*

Purpose and Scope of the Committee

1. The primary purpose of the MRRIC is to provide guidance to the Corps and U.S. Fish and Wildlife Service with respect to the Missouri River recovery and mitigation plan currently in existence, including recommendations relating to changes to the implementation strategy from the use of adaptive management; coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan. Information about the Missouri River Recovery Program is available at *www.MoRiverRecovery.org.*

2. Other duties of MRRIC include exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan; establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues; facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan; coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and annual preparation of a work plan and associated budget requests.

Administrative Support. To the extent authorized by law and subject to the availability of appropriations, the Corps provides funding and administrative support for the Committee.

Committee Membership. Federal agencies with programs affecting the Missouri River may be members of the MRRIC through a separate process with the Corps. States and Federally recognized Native American Indian tribes, as described in the Charter, are eligible for Committee membership through an appointment process. Interested State and Tribal government representatives should contact the Corps for information about the appointment process.

This Notice is for individuals interested in serving as a stakeholder member on the Committee. Members and their alternates must be able to demonstrate that they meet the definition of ''stakeholder'' found in the Charter of the MRRIC. Applications are currently being accepted for representation in the stakeholder interest categories listed below:

a. Conservation Districts;
b. Environmental;
c. Fish & Wildlife;
d. Hydropower;
e. Irrigation;
f. Local Government;
g. Major Tributaries;
h. Navigation;
i. Recreation;
j. Thermal Power;
k. Water Supply;
l. Water Quality; and
m. Waterway Industries

Terms of stakeholder representative members of the MRRIC are three years. There is no limit to the number of terms a member may serve. Incumbent Committee members seeking reappointment do not need to re-submit an application. However, renewal requests are not guaranteed re-selection and they must submit a renewal request letter and related materials as outlined in the ''Streamlined Process for Existing Members'' portion of the document *Process for Filling MRRIC Stakeholder Vacancies* (*www.MRRIC.org*).

Members and alternates of the Committee will not receive any compensation from the federal government for carrying out the duties of the MRRIC. Travel expenses incurred by members of the Committee are not currently reimbursed by the federal government.

Application for Stakeholder Membership. Persons who believe that they are or will be affected by the Missouri River recovery and mitigation activities may apply for stakeholder membership on the MRRIC. Committee members are obligated to avoid and disclose any individual ethical, legal, financial, or other conflicts of interest they may have involving MRRIC. Applicants must disclose on their application if they are directly employed by a government agency or program (the term ''government''

encompasses state, tribal, and federal agencies and/or programs).

Applications for stakeholder membership may be obtained electronically at *www.MRRIC.org.* Applications may be emailed or mailed to the location listed (see **ADDRESSES**). In order to be considered, each application must include:

1. The name of the applicant and the primary stakeholder interest category that person is qualified to represent;
2. A written statement describing the applicant's area of expertise and why the applicant believes he or she should be appointed to represent that area of expertise on the MRRIC;
3. A written statement describing how the applicant's participation as a Stakeholder Representative will fulfill the roles and responsibilities of MRRIC;
4. A written description of the applicant's past experience(s) working collaboratively with a group of individuals representing varied interests towards achieving a mutual goal, and the outcome of the effort(s);
5. A written description of the communication network that the applicant plans to use to inform his or her constituents and to gather their feedback, and
6. A written endorsement letter from an organization, local government body, or formal constituency, which demonstrates that the applicant represents an interest group(s) in the Missouri River basin.

To be considered, the application must be complete and received by the close of business on July 9, 2021, at the location indicated (see **ADDRESSES**). Applications must include an endorsement letter to be considered complete. Full consideration will be given to all complete applications received by the specified due date.

Application Review Process. Committee stakeholder applications will be forwarded to the current members of the MRRIC. The MRRIC will provide membership recommendations to the Corps as described in Attachment A of the *Process for Filling MRRIC Stakeholder Vacancies* document (*www.MRRIC.org*). The Corps is responsible for appointing stakeholder members. The Corps will consider applications using the following criteria:

- Ability to commit the time required.
- Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns.
- Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures.
- Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative.
- Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed.
- Agreement to participate in collaboration training as a condition of membership.

All applicants will be notified in writing as to the final decision about their application.

Certification. I hereby certify that the establishment of the MRRIC is necessary and in the public interest in connection with the performance of duties imposed on the Corps by the Endangered Species Act and other statutes.

D. Peter Helmlinger,

Brigadier General, U.S. Army, Division Commander.

[FR Doc. 2021–11829 Filed 6–4–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0053]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; High School and Beyond 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-Up Field Test Sampling, Tracking, and Recruitment

AGENCY: Institute of Educational Sciences (IES), 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 7, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *follow/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 Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: High School and Beyond 2022 (HS&B:22) Base-Year Full-Scale Study Data Collection and First Follow-up Field Test Sampling, Tracking, and Recruitment.

OMB Control Number: 1850–0944.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 128,478.

Total Estimated Number of Annual Burden Hours: 53,930.

Abstract: The High School and Beyond 2022 study (HS&B:22) will be the sixth in a series of longitudinal studies at the high school level conducted by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES) of the U.S. Department of Education. HS&B:22 will follow a nationally representative sample of ninth grade students from the start of high school in the fall of 2022 to the spring of 2026 when most will be in twelfth grade. A field test was conducted in fall 2019. The study sample will be freshened in 2026 to create a nationally representative sample of twelfth-grade students. A high school transcript

collection and additional follow-up data collections beyond high school are also planned.

In preparation for the HS&B:22 Base-Year Full-Scale study (BYFS), scheduled to take place in the fall of 2022, the Office of Management and Budget (OMB) approved (OMB# 1850–0944 v.1–5) a request to conduct the HS&B:22 Base-Year Field Test (BYFT) and the BYFS sampling and state, school district, school, and parent recruitment activities, both of which began in the fall of 2019. These activities include collecting student rosters and selecting the BYFS sample. BYFT activities ended in December 2019.

The study initially planned to conduct its BYFS data collection in the fall of 2020. Due to the COVID–19 pandemic, it was decided to postpone this collection by two years. OMB provided approval to adjust the schedule in June 2020, October 2020, and January 2021 (OMB# 1850–0944 v.6–8). The base year full-scale data collection will now take place in fall 2022. This submission requests approval to (1) freshen the school sample to account for the two-year delay after the sample was drawn; (2) add survey items related to the COVID–19 pandemic to the surveys; (3) track the field test sample; and (4) begin sampling and recruitment activities for the first follow-up field test. For the field test follow-up, students who participated in the base year field test will be tracked to inform the main study, but the field test follow-up data collection will occur one year later with a new sample of twelfth grade students.

Part A of this submission presents information on the basic design of HS&B:22. Part B discusses the statistical methods employed. Part C presents justification for the questionnaire content. Appendix A provides the communication materials to be used during state, school district, school, and parent BYFS recruitment and data collection activities. Appendix B provides the full-scale data collection instruments.

Dated: June 2, 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. 2021–11860 Filed 6–4–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Innovation and Research (EIR) Program—Mid-Phase Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2021 for the EIR program—Mid-phase Grants, Assistance Listing Number 84.411B (Mid-phase Grants). This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: June 7, 2021.

Deadline for Notice of Intent to Apply: June 28, 2021.

Deadline for Transmittal of Applications: July 7, 2021.

Deadline for Intergovernmental Review: September 7, 2021.

Pre-Application Information: The Department will post additional competition information for prospective applicants on the EIR program website: *https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/innovation-early-learning/education-innovation-and-research-eir/fy-2021-competition/.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Yvonne Crockett, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E344, Washington, DC 20202–5900. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The EIR program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent education challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

The central design element of the EIR program is its multi-tier structure that links the amount of funding an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project, with the expectation that projects that build this evidence will advance through EIR's grant tiers: ''Early-phase,'' ''Mid-phase,'' and ''Expansion.''

The Department awards three types of grants under this program: ''Early-phase'' grants, ''Mid-phase'' grants, and ''Expansion'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration for funding, the expectations regarding the kind of evidence and information funded projects should produce, the level of scale funded projects should reach, and, consequently, the amount of funding available to support each type of project.

Mid-phase grants are supported by moderate evidence (as defined in this notice). The Department expects that Mid-phase grants will be used to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an Early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost-effectiveness, if possible using existing administrative data.

This notice invites applications for Mid-phase grants only. The notice inviting applications for Expansion grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Early-phase grants will be published in the **Federal Register** at a later date.

Background: While this notice is for the Mid-phase tier only, the premise of the EIR program is that new and innovative programs and practices can help to solve the persistent problems in education that prevent students, particularly high-need students, from succeeding. These innovations need to be evaluated, and, if sufficient evidence of effectiveness can be demonstrated, the intent is for these innovations to be replicated and tested in new populations and settings. EIR is not intended to provide support for practices that are already commonly implemented by educators, unless significant adaptations of such practices

warrant testing to determine if they can accelerate achievement, or greatly increase the efficiency and likelihood that they can be widely implemented in a variety of new populations and settings effectively.

As an EIR project is implemented, grantees are encouraged to learn more about how the practices improve student achievement and attainment; and to develop increasingly rigorous evidence of effectiveness and new strategies to efficiently and cost-effectively scale to new school districts, regions, and States. We encourage applicants to develop a logic model (as defined in this notice), theory of action, or another conceptual framework that includes the goals, objectives, outcomes, and key project components (as defined in this notice) of the project.

All EIR applicants and grantees should also consider how they need to develop their organizational capacity, project financing, or business plans to sustain their projects and continue implementation and adaptation after Federal funding ends. The Department intends to provide grantees with technical assistance in their dissemination, scaling, and sustainability efforts.

EIR is designed to offer opportunities for States, districts, schools, and educators to develop innovations and scale effective practices that address their most pressing challenges.

Mid-phase projects are expected to refine and expand the use of practices with prior evidence of effectiveness in order to improve outcomes for high-need students. They are also expected to generate important information about an intervention's effectiveness, including for whom and in which contexts a practice is most effective, as well as cost-effectiveness. Mid-phase projects are uniquely positioned to help answer critical questions about the process of scaling a practice to the regional or national levels (as defined in this notice) across geographies. Mid-phase grantees are encouraged to consider how the cost structure of a practice can change as the intervention scales. Additionally, grantees may want to consider multiple ways to facilitate implementation fidelity without making scaling too onerous.

Mid-phase applicants are encouraged to design an evaluation that has the potential to meet the strong evidence (as defined in this notice) threshold. Mid-phase grantees should measure the cost effectiveness of their practices using administrative or other readily available data. These types of efforts are critical to sustaining and scaling EIR-funded effective practices after the EIR grant period ends, assuming that the practice has positive effects on important student outcomes. In order to support adoption or replication by other entities, the evaluation of a Mid-phase project should identify and codify the core elements of the EIR-supported practice that the project implements, and examine the effectiveness of the project for any new populations or settings that are included in the project. The Department intends to provide grantees and their independent evaluators with evaluation technical assistance. This evaluation technical assistance could include grantees and their independent evaluators providing to the Department or its contractor updated comprehensive evaluation plans in a format as requested by the technical assistance provider and using such tools as the Department may request. Grantees will be encouraged to update this evaluation plan at least annually to reflect any changes to the evaluation, with updates consistent with the scope and objectives of the approved application.

The FY 2021 Mid-phase competition includes four absolute priorities, one competitive preference priority, and two invitational priorities. All Mid-phase applicants must address Absolute Priority 1. Mid-phase applicants are also required to address one of the other three absolute priorities. Applicants addressing Absolute Priority 3 also have the option to address the competitive preference priority. Applicants have the option of addressing one or more of the invitational priorities and may opt to do so regardless of the absolute priority they select.

Absolute Priority 1—Moderate Evidence establishes the evidence requirement for this tier of grants. All Mid-phase applicants must submit prior evidence of effectiveness that meets the moderate evidence standard.

Absolute Priority 2—Field-Initiated Innovations—General allows applicants to propose projects that align with the intent of the EIR program statute: To create and take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment.

Absolute Priority 3—Field-Initiated Innovations—Science, Technology, Engineering, or Mathematics (STEM) is intended to support innovations to improve student achievement and attainment in the STEM field, consistent with efforts to ensure our Nation's economic competitiveness by improving and expanding STEM learning and engagement, including computer science (as defined in this notice).

In Absolute Priority 3, the Department recognizes the importance of funding Pre-Kindergarten (Pre-K) through grade 12 STEM education and anticipates that projects would expand opportunities for high-need students. Within this absolute priority, the Department includes a competitive preference priority that focuses on expanding opportunities in computer science for underserved populations such as minorities, girls, and youth from rural communities and low-income families, to help reduce achievement and attainment gaps in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and Federal civil rights laws.

Absolute Priority 4—Field-Initiated Innovations—Fostering Knowledge and Promoting the Development of Skills That Prepare Students To Be Informed, Thoughtful, and Productive Individuals and Citizens, is intended to advance innovation, build evidence, and address the learning and achievement of high-need students beginning in Pre-K through grade 12. The priority promotes social and emotional learning (SEL) skills that prepare students to be informed, thoughtful, and productive individuals.

The two invitational priorities highlight the Administration's acknowledgment of the timely and urgent needs in Pre-K–12 education related to addressing the impact of the novel coronavirus 2019 (COVID–19) and promoting equity.

Invitational Priority 1—Innovative Approaches to Addressing the Impact of COVID–19 on Underserved Students and Educators is intended to encourage applicants to propose projects that focus on the needs of underserved students most impacted by COVID–19. COVID–19 has caused unprecedented disruption in schools across the country and drawn renewed attention to the ongoing challenges for underserved students. In response to the pandemic, educators have mobilized and continue to address the needs of all students. Researchers and educators are now working to understand and address the impact of inconsistent access to instruction, services, and supports, and other challenges.

State educational agencies (SEAs), local educational agencies (LEAs), and nonprofit organizations play essential roles in building capacity at the State and local level that both respond to current crises, and also create the systems and structures to support long-term change. The Department is interested in projects that develop and evaluate evidence-based, field-initiated innovations for addressing the impact of COVID–19 in ways that accelerate learning for students and address

students' social, emotional, physical and mental health, and academic needs, with a focus on targeting resources and supports to underserved students. The EIR program statute refers to ''high-needs students.'' In addressing the needs of underserved students, the statutory requirement for serving ''high-needs students'' can also be addressed.

Projects that include collaboration with key stakeholders are particularly encouraged to understand and support students' needs by addressing historical educational inequities and the impact of the COVID–19 pandemic (namely, the interruption of traditional patterns of education due to school closures and the disproportionate social, emotional, physical and mental health, and academic impacts on particular student groups). Examples might include re-engaging students by implementing and continuously improving student-centered, technology-enabled learning models, utilizing multi-tier systems of support, providing trauma-informed practice, leveraging embedded diagnostic or formative assessments to personalize learning, and providing other evidence-based supports and educational opportunities to accelerate grade-level student learning.

The Department seeks innovative strategies under this priority that support students' success in the classroom; are delivered by qualified individuals (based on requirements established by the applicant) who receive adequate training and support; and are aligned with students' learning experiences in their classrooms. This includes incorporating those innovations and technology practices from the last year that have improved student's learning experiences to supplementally support and enhance the return to in-person learning. As we work to transform the current crisis-driven response into a long-term, sustainable, and resilient learning ecosystem, technology will be an invaluable component to meet the needs of variable and diverse learners, support teachers, and provide school and district leaders with flexible models to support learning.

Invitational Priority 2—Promoting Equity and Adequacy in Student Access to Educational Resources and Opportunities is intended to offer applicants the option of proposing projects that promote equity. Improving educational equity and adequacy is a priority for the Nation's education system, with particular emphasis on supporting underserved students. For example, the Department's 2018 news release on STEM course-taking reported that of students enrolled in Calculus courses, 8 percent were Black, when Black students represent 16 percent of high school enrollment. A similar trend exists for physics courses in which 12 percent of Black students were enrolled. (U.S. Department of Education's 2015–16 Civil Rights Data Collect STEM Course Taking Report, 2018).

Additionally, during the 2015–16 school year, African American male students comprised 8 percent of students enrolled and 25 percent of students who received an out-of-school suspension. National data show that African American girls are 5.5 times more likely and Native American girls are 3 times more likely to be suspended from school than White girls (U.S. Department of Education's 2015–16 Civil Rights Data Collection School Climate and Safety Report, 2018). Research shows, however, that these disparities are not the result of differences in behavior, but rather perceptions of student behavior. The Department is interested in projects that address these discipline disparities which contribute to missed learning opportunities.

Although multiple factors influence teacher impact on student achievement, data suggests that teacher experience and certification impact educational equity. Schools with high enrollments of students of color were four times as likely to employ uncertified teachers as were schools with low enrollment of students of color. Students in schools with high enrollments of students of color also have less access to experienced teachers. In these schools, nearly one in every six teachers is just beginning his or her career, compared to one in every 10 teachers in schools with low enrollment of students of color (Cardichon, et al., 2020). The Department is interested in projects that address disparities in teacher certification and experience given research indicating that fully certified and experienced teachers relate to student achievement (Boyd, et al., 2006; Clotfelter, et al., 2007; Darling-Hammond, et al., 2005; Kini & Podolsky, 2016; Goe, 2007; Ladd & Sorenson, 2017; Podolsky, et al., 2019).

The Department seeks to support projects that propose innovative ways to address the various inequities in this country's education system. This type of innovation will better enable educators to work toward closing achievement gaps and helping all students succeed in school and reach toward their future goals.

Underserved students have less access to the educational opportunities they need to succeed, including access to well-rounded and rigorous coursework; the application of discipline policies; and access to certified, experienced, and effective teachers.

The Department seeks projects that develop and evaluate evidence-based, field-initiated innovations to remedy the inequities in our country's education system. This type of innovation will better enable students the access to the educational opportunities they need to succeed in school and reach their future goals.

We particularly welcome projects that focus on: Eliminating inequities in access to fully certified, experienced, and effective teachers; addressing inequities in access to and success in a rigorous, engaging, and culturally and linguistically responsive teaching and learning environment that prepares students for college and career; including diverse stakeholders in State and local education decisions; supporting resource and discipline equity; addressing disproportionality in special education or programs for English learners; and improving the quality of educational programs in juvenile justice facilities or supporting re-entry after release.

Through these priorities, the Department intends to advance innovation, build evidence, and address the learning and achievement of high-need students beginning in Pre-K through grade 12.

Priorities: This notice includes four absolute priorities and one competitive preference priority. In accordance with 34 CFR 75.105(b)(2)(ii), Absolute Priority 1 is from 34 CFR 75.226(d)(2). In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 2 is from section 4611(a)(1)(A) of the ESEA. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priorities 3 and 4 are from section 4611(a)(1)(A) of the ESEA and the Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities). The competitive preference priority is from the Supplemental Priorities. We also include two invitational priorities.

In the Mid-phase grant competition, Absolute Priorities 2, 3, and 4 constitute their own funding categories. The Secretary intends to award grants under each of these absolute priorities provided that applications of sufficient quality are submitted. To ensure that applicants are considered for the correct type of grant, applicants must clearly identify the specific absolute priority that the proposed project addresses. If an entity is interested in proposing separate projects (*e.g.,* one that

addresses Absolute Priority 2 and another that addresses Absolute Priority 3), separate applications must be submitted.

Absolute Priorities: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet Absolute Priority 1—Moderate Evidence, and one additional absolute priority (Absolute Priority 2, Absolute Priority 3, or Absolute Priority 4).

These priorities are:

Absolute Priority 1—Moderate Evidence.

Projects supported by evidence that meets the conditions in the definition of ''moderate evidence.''

Note: An applicant must identify up to two study citations to be reviewed against the What Works Clearinghouse (WWC) Handbooks (as defined in this notice) for the purposes of meeting the definition of ''moderate evidence.'' The studies may have been conducted by the applicant or by a third party. An applicant should clearly identify these citations in the Evidence form. An applicant must ensure that all citations are available to the Department from publicly available sources and provide links or other guidance indicating where it is available. The Department may not review a study citation that an applicant fails to clearly identify for review.

In addition to including up to two study citations, applicants should describe in the form information such as the following: (1) The positive student outcomes they intend to replicate under their Mid-phase grant and how the characteristics of students and the positive student outcomes in the study citations correspond with the characteristics of the high-need students to be served under the Mid-phase grant; (2) the correspondence of practice(s) the applicant plans to implement with the practice(s) cited in the studies; and (3) the intended student outcomes that the proposed practice(s) attempts to impact.

If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information. However, if the WWC determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC may submit a query to the study author(s) to gather information for use in determining a study rating. Authors would be asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study may be deemed ineligible under the grant competition. After the grant competition closes, the WWC will, for purposes of its own curation of studies, continue to include responses to author queries and make updates to study reviews as necessary. However, no additional information will be considered after the competition closes and the initial timeline established for response to an author query passes.

Absolute Priority 2—Field-Initiated Innovations—General.

Projects that are designed to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students.

Absolute Priority 3—Field-Initiated Innovations—Promoting STEM Education, With a Particular Focus on Computer Science.

Projects that are designed to—

(1) Create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and

(2) Improve student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or computer science (as defined in this notice).

Competitive Preference Priority: Within Absolute Priority 3, we give competitive preference to applications that address this competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points to an application, depending on how well the application addresses the competitive preference priority.

This priority is:

Projects designed to improve student achievement or other educational outcomes in computer science. These projects must address expanding access to and participation in rigorous computer science coursework for traditionally underrepresented students such as racial or ethnic minorities, women, students in communities served by rural local educational agencies (as defined in this notice), children or students with disabilities (as defined in this notice), or low-income individuals (as defined under section 312(g) of the Higher Education Act of 1965, as amended).

Absolute Priority 4—Field-Initiated Innovations—Fostering Knowledge and Promoting the Development of Skills That Prepare Students To Be Informed, Thoughtful, and Productive Individuals and Citizens.

Projects that are designed to—

(1) Create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and

(2) Improve student academic performance and better prepare students for employment, responsible citizenship, and fulfilling lives, including by preparing children or students to do one or more of the following:

(a) Develop positive personal relationships with others.

(b) Develop determination, perseverance, and the ability to overcome obstacles.

(c) Develop self-esteem through perseverance and earned success.

(d) Develop problem-solving skills.

(e) Develop self-regulation in order to work toward long-term goals.

Invitational Priorities: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Innovative Approaches to Addressing the Impact of COVID–19 on Underserved Students and Educators.

Projects that are designed to address the needs of underserved students most impacted by COVID–19.

Invitational Priority 2—Promoting Equity and Adequacy in Student Access to Educational Resources and Opportunities.

Projects that are designed to promote equity and adequacy in access to critical resources in Pre-K–12 for underserved students.

Definitions: The definitions of ''baseline,'' ''experimental study,'' ''logic model,'' ''moderate evidence,'' ''national level,'' ''nonprofit,'' ''performance measure,'' ''performance target,'' ''project component,'' ''quasi-experimental design study,'' ''regional level,'' ''relevant outcome,'' ''strong evidence,'' and ''What Works Clearinghouse Handbooks (WWC Handbooks)'' are from 34 CFR 77.1. The definitions of ''children or students with disabilities,'' ''computer science,'' and ''rural local educational agency'' are from the Supplemental Priorities. The definitions of ''local educational

agency'' and ''State educational agency'' are from section 8101 of the ESEA.

Baseline means the starting point from which performance is measured and targets are set.

Children or students with disabilities means children with disabilities as defined in the Individuals with Disabilities Education Act (IDEA) or individuals defined as having a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) (or children or students who are eligible under both laws).

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Moderate evidence means that there is evidence of effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study or quasi-experimental design study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations,

individuals with disabilities, English learners, and individuals of each gender).

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbooks.

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project, to be considered a regional-level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the SEA is the sole educational agency for all schools.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Rural local educational agency means a local educational agency that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title V, Part B of the ESEA. Eligible applicants may determine whether a particular district is eligible for these programs by referring to information on the Department's website at *https://oese.ed.gov/files/2021/04/FY2021-Master-Eligibility-Spreadsheet-public-04052021.xlsx.*

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''strong evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbooks, as appropriate, and that—

(A) Meets WWC standards without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy the requirement in this paragraph (iii)(D).

What Works Clearinghouse Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Note: The What Works Clearinghouse Procedures and Standards Handbooks are available at *https://ies.ed.gov/ncee/wwc/Handbooks.*

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U.S. Department of Education's 2015–16 Civil Rights Data Collection School Climate and Safety Report (2018). *www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf.*

U.S. Department of Education 2015–16 Civil Rights Data Collection STEM Course Taking Report. (2018). *www2.ed.gov/about/offices/list/ocr/docs/stem-course-taking.pdf.*

Program Authority: 20 U.S.C. 7261.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $180,000,000.

These estimated available funds are the total available for all three types of grants under the EIR program (Early-phase, Mid-phase, and Expansion grants).

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Average Size of Awards: Up to $8,000,000.

Maximum Award: We will not make an award exceeding $8,000,000 for a project period of 60 months. The Department intends to fund one or more projects under each of the EIR competitions, including Expansion (84.411A), Mid-phase (84.411B), and Early-phase (84.411C). Entities may submit applications for different projects for more than one competition (Early-phase, Mid-phase, and Expansion). The maximum award amount a grantee may receive under these three competitions, taken together, is $15,000,000. If an entity is within funding range for multiple applications, the Department will award the highest scoring applications up to $15,000,000.

Estimated Number of Awards: 10–15.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under section 4611(c) of the ESEA, the Department must use at least 25 percent of EIR funds for a fiscal year to make awards to applicants serving rural areas, contingent on receipt of a sufficient number of applications of sufficient quality. For purposes of this competition, we will consider an applicant as rural if the applicant meets the qualifications for rural applicants as described in the *Eligible Applicants* section and the applicant certifies that it meets those qualifications through the application.

In implementing this statutory provision and program requirement, the Department may fund high-quality applications from rural applicants out of rank order in the Mid-phase competition.

In addition, for the FY 2021 Mid-phase competition, the Department intends to award an estimated $32 million in funds for STEM projects and $32 million in funds for SEL projects, contingent on receipt of a sufficient number of applications of sufficient quality.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An LEA;

(b) An SEA;

(c) The Bureau of Indian Education (BIE);

(d) A consortium of SEAs or LEAs;

(e) A nonprofit organization; and

(f) An LEA, an SEA, the BIE, or a consortium described in clause (d), in partnership with—

(1) A nonprofit organization;

(2) A business;

(3) An educational service agency; or

(4) An IHE.

To qualify as a rural applicant under the EIR program, an applicant must meet both of the following requirements:

(a) The applicant is—

(1) An LEA with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(2) A consortium of such LEAs;

(3) An educational service agency or a nonprofit organization in partnership with such an LEA; or

(4) A grantee described in clause (1) or (2) in partnership with an SEA; and

(b) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

Applicants are encouraged to retrieve locale codes from the National Center for Education Statistics School District search tool (*https://nces.ed.gov/ccd/districtsearch/*), where districts can be looked up individually to retrieve locale codes, and Public School search tool (*https://nces.ed.gov/ccd/schoolsearch/*), where individual schools can be looked up to retrieve locale codes. More information on rural applicant eligibility is in the application package.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code, (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual, (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant, or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

In addition, any IHE is eligible to be a partner in an application where an LEA, SEA, BIE, consortium of SEAs or LEAs, or a nonprofit organization is the lead applicant that submits the application. A private IHE that is a nonprofit organization can apply for an EIR grant. A nonprofit organization, such as a development foundation, that is affiliated with a public IHE can apply for a grant. A public IHE that has 501(c)(3) status would also qualify as a nonprofit organization and could be a lead applicant for an EIR grant. A public IHE without 501(c)(3) status (even if that entity is tax exempt under Section 115 of the Internal Revenue Code or any other State or Federal provision), or that could not provide any other documentation described in 34 CFR 75.51(b), however, would not qualify as a nonprofit organization, and therefore could not apply for and receive an EIR grant.

2. *Cost Sharing or Matching:* Under section 4611(d) of the ESEA, each grant recipient must provide, from Federal, State, local, or private sources, an amount equal to 10 percent of funds provided under the grant, which may be provided in cash or through in-kind

contributions, to carry out activities supported by the grant. Grantees must include a budget showing their matching contributions to the budget amount of EIR grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications. Section 4611(d) of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis, upon a showing of exceptional circumstances, such as:

(a) The difficulty of raising matching funds for a program to serve a rural area;

(b) The difficulty of raising matching funds in areas with a concentration of LEAs or schools with a high percentage of students aged 5 through 17—

(1) Who are in poverty, as counted in the most recent census data approved by the Secretary;

(2) Who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 *et seq.*);

(3) Whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or

(4) Who are eligible to receive medical assistance under the Medicaid program; and

(c) The difficulty of raising funds on Tribal land.

Applicants that wish to apply for a waiver must include a request in their application that describes why the matching requirement would cause serious hardship or an inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* a. *Funding Categories:* An applicant will be considered for an award only for the type of EIR grant for which it applies (*i.e.,* Mid-phase: Absolute Priority 2, Mid-phase: Absolute Priority 3, or Mid-phase: Absolute Priority 4). An applicant may not submit an application for the same proposed project under more than one type of grant (*e.g.,* both an Early-phase grant and Mid-phase grant).

Note: Each application will be reviewed under the competition it was submitted under in the *Grants.gov* system, and only applications that are successfully submitted by the established deadline will be peer reviewed. Applicants should be careful that they download the intended EIR application package and that they submit their applications under the intended EIR competition.

b. *Evaluation:* The grantee must conduct an independent evaluation of the effectiveness of its project.

c. *High-need students:* The grantee must serve high-need students.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for Mid-phase grants, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative for a Mid-phase grant to no more than 30 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. Applicants may access this form using the link available on the Notice of Intent to Apply section of the competition website: *https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/innovation-early-learning/education-innovation-and-research-eir/fy-2021-competition/.* Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Mid-phase competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

A. *Significance (up to 15 points).*

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The national significance of the proposed project. (5 points)

(2) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies. (10 points)

B. *Strategy to Scale (up to 20 points).*

The Secretary considers the applicant's strategy to scale the proposed project. In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant identifies a specific strategy or strategies that address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale that is proposed in the application. (15 points)

(2) The mechanisms that applicant will use to broadly disseminate information on its project so as to support further development or replication. (5 points)

C. *Quality of the Project Design (up to 20 points).*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework. (5 points)

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (5 points)

(3) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (10 points)

D. *Adequacy of Resources and Quality of the Management Plan (up to 20 points).*

The Secretary considers the adequacy of resources and the quality of the management plan for the proposed project. In determining the adequacy of resources and quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The applicant's capacity (*e.g.,* in terms of qualified personnel, financial resources, or management capacity) to bring the proposed project to scale on a national or regional level (as defined in 34 CFR 77.1(c)) working directly, or through partners, during the grant period. (10 points)

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (5 points)

(3) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (5 points)

E. *Quality of the Project Evaluation (up to 25 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse standards without reservations as described in the What Works Clearinghouse Handbook (as defined in 34 CFR 77.1(c)). (15 points)

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings. (5 points)

(3) The extent to which the evaluation plan clearly articulates the key project components, mediators, and outcomes, as well as a measurable threshold for acceptable implementation. (5 points)

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks*; (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp*; and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/*. In addition, applicants may view an optional webinar recording that was hosted by the Institute of Education Sciences. The webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing experimental studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia/18*.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

Peer reviewers will read, prepare a written evaluation of, and score the assigned applications, using the selection criteria provided in this notice.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

Note: The evaluation report is a specific deliverable under a Mid-phase grant that grantees must make available to the public. Additionally, EIR grantees are encouraged to submit final studies resulting from research supported in whole or in part by EIR to the Educational Resources Information Center (*http://eric.ed.gov*).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the EIR program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and attainment for high-need students. We have established, for the purpose of the Government Performance and Results Act of 1993 (GPRA), several performance measures (as defined in this notice) for the Mid-phase grants.

Annual performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of grantees that reach their annual target number of high-need students as specified in the application; (3) the percentage of grantees with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes in multiple contexts; (4) the percentage of grantees that implement an evaluation that provides information about the key practices and the approach of the project so as to facilitate replication; (5) the percentage of grantees that implement an evaluation that provides information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Cumulative performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of grantees that reach the targeted number of high-need students specified in the application; (3) the percentage of grantees that implement a completed, well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes at scale; (4) the percentage of grantees with a completed well-designed, well-implemented, and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; (5) the percentage of grantees with a completed evaluation that provided information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Project-Specific Performance Measures: Applicants must propose project-specific performance measures and performance targets (as defined in this notice) consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline (as defined in this notice) data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project

period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, Braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ian Rosenblum,

Delegated the authority to perform the functions and duties of the Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2021–11940 Filed 6–4–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Innovation and Research (EIR) Program—Expansion-Phase Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2021 for the EIR program—Expansion-phase Grants, Assistance Listing Number 84.411A (Expansion-phase Grants). This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: June 7, 2021.

Deadline for Notice of Intent To Apply: June 28, 2021.

Deadline for Transmittal of Applications: July 7, 2021.

Deadline for Intergovernmental Review: September 7, 2021.

Pre-Application Information: The Department will post additional competition information for prospective applicants on the EIR program website: *https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/innovation-early-learning/education-innovation-and-research-eir/fy-2021-competition/.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR–2019–02–13/pdf/2019–02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Yvonne Crockett, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E344, Washington, DC 20202–5900. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The EIR program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent education challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

The central design element of the EIR program is its multi-tier structure that links the amount of funding an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project, with the expectation that projects that build this evidence will advance through EIR's grant tiers: ''Early-phase,'' ''Mid-phase,'' and ''Expansion.''

The Department awards three types of grants under this program: ''Early-phase'' grants, ''Mid-phase'' grants, and ''Expansion'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration for funding, the expectations regarding the kind of evidence and information funded projects should produce, the level of scale funded projects should reach, and, consequently, the amount of funding available to support each type of project.

Expansion grants are supported by strong evidence (as defined in this notice) for at least one population and setting, and grantees are encouraged to implement at the national level (as defined in this notice). The Department expects that Expansion grants will provide funding for implementation and a rigorous evaluation of a program that

has been found to produce sizable, significant impacts under a Mid-phase grant or other effort meeting similar criteria, for the purposes of: (a) Determining whether such impacts can be successfully reproduced and sustained over time; and (b) identifying the conditions in which the program is most effective.

This notice invites applications for Expansion grants only. The notice inviting applications for Mid-phase grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Early-phase grants will be published in the **Federal Register** at a later date.

Background: While this notice is for the Expansion tier only, the premise of the EIR program is that new and innovative programs and practices can help to solve the persistent problems in education that prevent students, particularly high-need students, from succeeding. These innovations need to be evaluated, and, if sufficient evidence of effectiveness can be demonstrated, the intent is for these innovations to be replicated and tested in new populations and settings. EIR is not intended to provide support for practices that are already commonly implemented by educators, unless significant adaptations of such practices warrant testing to determine if they can accelerate achievement, or greatly increase the efficiency and likelihood that they can be widely implemented in a variety of new populations and settings effectively.

As an EIR project is implemented, grantees are encouraged to learn more about how the practices improve student achievement and attainment; and to develop increasingly rigorous evidence of effectiveness and new strategies to efficiently and cost-effectively scale to new school districts, regions, and States. We encourage applicants to develop a logic model (as defined in this notice), theory of action, or another conceptual framework that includes the goals, objectives, outcomes, and key project components (as defined in this notice) of the project.

All EIR applicants and grantees should also consider how they need to develop their organizational capacity, project financing, or business plans to sustain their projects and continue implementation and adaptation after Federal funding ends. The Department intends to provide grantees with technical assistance in their dissemination, scaling, and sustainability efforts.

EIR is designed to offer opportunities for States, districts, schools, and educators to develop innovations and scale effective practices that address their most pressing challenges.

Expansion projects are expected to scale practices that have prior evidence of effectiveness, in order to improve outcomes for high-need students. They are also expected to generate important information about an intervention's effectiveness, including for whom and in which contexts a practice is most effective, as well as cost-effectiveness. Expansion projects are uniquely positioned to help answer critical questions about the process of scaling a practice to the national level (as defined in this notice) across geographies. Expansion grantees are encouraged to consider how the cost structure of a practice can change as the intervention scales. Additionally, grantees may want to consider multiple ways to facilitate implementation fidelity without making scaling too onerous.

Expansion applicants are encouraged to design an evaluation that has the potential to meet the strong evidence (as defined in this notice) threshold. Expansion grantees should measure the cost effectiveness of their practices using administrative or other readily available data. These types of efforts are critical to sustaining and scaling EIR-funded effective practices after the EIR grant period ends, assuming that the practice has positive effects on important student outcomes. In order to support adoption or replication by other entities, the evaluation of an Expansion project should identify and codify the core elements of the EIR-supported practice that the project implements, and examine the effectiveness of the project for any new populations or settings that are included in the project. The Department intends to provide grantees and their independent evaluators with evaluation technical assistance. This evaluation technical assistance could include grantees and their independent evaluators providing to the Department or its contractor updated comprehensive evaluation plans in a format as requested by the technical assistance provider and using such tools as the Department may request. Grantees will be encouraged to update this evaluation plan at least annually to reflect any changes to the evaluation, with updates consistent with the scope and objectives of the approved application.

The FY 2021 Expansion grant competition includes two absolute priorities and two invitational priorities. All Expansion applicants must address both absolute priorities. Applicants have the option of addressing one or more of the invitational priorities.

Absolute Priority 1—Strong Evidence establishes the evidence requirement for this tier of grants. All Expansion applicants must submit prior evidence of effectiveness that meets the strong evidence standard.

Absolute Priority 2—Field-Initiated Innovations—General allows applicants to propose projects that align with the intent of the EIR program statute: To create and take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment.

The two invitational priorities highlight the Administration's acknowledgment of the timely and urgent needs in Pre-K–12 education related to addressing the impact of the novel coronavirus 2019 (COVID–19) and promoting equity.

Invitational Priority 1—Innovative Approaches to Addressing the Impact of COVID–19 on Underserved Students and Educators is intended to encourage proposed projects that focus on the needs of underserved students most impacted by COVID–19. COVID–19 has caused unprecedented disruption in schools across the country and drawn renewed attention to the ongoing challenges for underserved students. In response to the pandemic, educators have mobilized and continue to address the needs of all students. Researchers and educators are now working to understand and address the impact of inconsistent access to instruction, services, and supports, and other challenges.

State educational agencies (SEAs), local educational agencies (LEAs), and nonprofit organizations play essential roles in building capacity at the State and local level both to respond to current crises, and also create the systems and structures to support long-term change. The Department is interested in projects that develop and evaluate evidence-based, field-initiated innovations for addressing the impact of COVID–19 in ways that accelerate learning for students and address students' social, emotional, physical and mental health, and academic needs, with a focus on targeting resources and supports to underserved students. The EIR program statute refers to ''high-needs students.'' In addressing the needs of underserved students, the statutory requirement for serving ''high-needs students'' can also be addressed.

Projects that include collaboration with key stakeholders are particularly encouraged to understand and support students' needs by addressing historical educational inequities and the impact of the COVID–19 pandemic (namely, the interruption of traditional patterns of

education due to school closures and the disproportionate social, emotional, physical and mental health, and academic impacts on particular student groups). Examples might include re-engaging students by implementing and continuously improving student-centered, technology-enabled learning models, utilizing multi-tier systems of support, providing trauma-informed practice, leveraging embedded diagnostic or formative assessments to personalize learning, and providing other evidence-based supports and educational opportunities to accelerate grade-level student learning.

The Department seeks innovative strategies under this priority that support students' success in the classroom; are delivered by qualified individuals (based on requirements established by the applicant) who receive adequate training and support; and are aligned with students' learning experiences in their classrooms. This includes incorporating those innovations and technology practices from the last year that have improved student's learning experiences to supplementally support and enhance the return to in-person learning. As we work to transform the current crisis-driven response into a long-term, sustainable, and resilient learning ecosystem, technology will be an invaluable component to meet the needs of variable and diverse learners, support teachers, and provide school and district leaders with flexible models to support learning.

Invitational Priority 2—Promoting Equity and Adequacy in Student Access to Educational Resources and Opportunities is intended to offer applicants the option of proposing projects that promote equity. Improving educational equity and adequacy is a priority for the Nation's education system, with particular emphasis on supporting underserved students. For example, the Department's 2018 news release on STEM course-taking reported that of students enrolled in Calculus courses, 8 percent were Black, when Black students represent 16 percent of high school enrollment. A similar trend exists for physics courses in which 12 percent of Black students were enrolled. (U.S. Department of Education's 2015–16 Civil Rights Data Collect STEM Course Taking Report, 2018).

Additionally, during the 2015–16 school year, African American male students comprised 8 percent of students enrolled and 25 percent of students who received an out-of-school suspension. National data show that African American girls are 5.5 times more likely and Native American girls are 3 times more likely to be suspended from school than White girls (U.S. Department of Education's 2015–16 Civil Rights Data Collection School Climate and Safety Report, 2018). Research shows, however, that these disparities are not the result of differences in behavior, but rather perceptions of student behavior. The Department is interested in projects that address these discipline disparities given which contribute to missed learning opportunities.

Although multiple factors influence teacher impact on student achievement, data suggests that teacher experience and certification impact educational equity. Schools with high enrollments of students of color were four times as likely to employ uncertified teachers as were schools with low enrollment of students of color. Students in schools with high enrollments of students of color also have less access to experienced teachers. In these schools, nearly one in every six teachers is just beginning his or her career, compared to one in every 10 teachers in schools with low enrollment of students of color (Cardichon, et al., 2020). The Department is interested in projects that address disparities in teacher certification and experience given research indicating that fully certified and experienced teachers relate to student achievement (Boyd, et al., 2006; Clotfelter, et al., 2007; Darling-Hammond, et al., 2005; Kini & Podolsky, 2016; Goe, 2007; Ladd & Sorenson, 2017; Podolsky, et al., 2019).

The Department seeks to support projects that propose innovative ways to address the various inequities in this country's education system. This type of innovation will better enable educators to work toward closing achievement gaps and helping all students succeed in school and reach toward their future goals.

Underserved students have less access to the educational opportunities they need to succeed, including access to well-rounded and rigorous coursework; the application of discipline policies; and access to certified, experienced, and effective teachers.

The Department seeks projects that develop and evaluate of evidence-based, field-initiated innovations to remedy the inequities in our country's education system. This type of innovation will better enable students the access to the educational opportunities they need to succeed in school and reach toward their future goals.

We particularly welcome projects that focus on: Eliminating inequities in access to fully certified, experienced, and effective teachers; addressing inequities in access to and success in a rigorous, engaging, and culturally and linguistically responsive teaching and learning environment that prepares students for college and career; including diverse stakeholders in State and local education decisions; supporting resource and discipline equity; addressing disproportionality in special education or programs for English learners; and improving the quality of educational programs in juvenile justice facilities or supporting re-entry after release.

Through these priorities, the Department intends to advance innovation, build evidence, and address the learning and achievement of high-need students beginning in Pre-K through grade 12.

Priorities: This notice includes two absolute priorities. In accordance with 34 CFR 75.105(b)(2)(ii), Absolute Priority 1 is from 34 CFR 75.226(d)(2). In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 2 is from section 4611(a)(1)(A) of the ESEA. We also include two invitational priorities.

Absolute Priorities: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both Absolute Priority 1 and Absolute Priority 2.

These priorities are:

Absolute Priority 1—Strong Evidence.

Projects supported by evidence that meets the conditions in the definition of ''strong evidence.''

Note: An applicant must identify up to four study citations to be reviewed against the What Works Clearinghouse (WWC) Handbooks (as defined in this notice) for the purposes of meeting the definition of ''strong evidence.'' The studies may have been conducted by the applicant or by a third party. An applicant should clearly identify these citations in the Evidence form. An applicant must ensure that all citations are available to the Department from publicly available sources and provide links or other guidance indicating where it is available. The Department may not review a study citation that an applicant fails to clearly identify for review.

In addition to including up to four study citations, applicants should describe in the form information such as the following: (1) The positive student outcomes they intend to replicate under their Expansion grant and how the characteristics of students and the positive student outcomes in the study citations correspond with the

characteristics of the high-need students to be served under the Expansion grant; (2) the correspondence of practice(s) the applicant plans to implement with the practice(s) cited in the studies; and (3) the intended student outcomes that the proposed practice(s) attempts to impact.

If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information. However, if the WWC determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC may submit a query to the study author(s) to gather information for use in determining a study rating. Authors would be asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study may be deemed ineligible under the grant competition. After the grant competition closes, the WWC will, for purposes of its own curation of studies, continue to include responses to author queries and make updates to study reviews as necessary. However, no additional information will be considered after the competition closes and the initial timeline established for response to an author query passes.

Absolute Priority 2—Field-Initiated Innovations—General.

Projects designed to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students.

Invitational Priorities: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Innovative Approaches to Addressing the Impact of COVID–19 on Underserved Students and Educators.

Projects that are designed to address the needs of underserved students most impacted by COVID–19.

Invitational Priority 2—Promoting Equity and Adequacy in Student Access to Educational Resources and Opportunities.

Projects that are designed to promote equity and adequacy in access to critical resources in Pre-K–12 for underserved students.

Definitions: The definitions of ''baseline,'' ''experimental study,'' ''logic model,'' ''strong evidence,'' ''national level,'' ''nonprofit,'' ''performance measure,'' ''performance target,'' ''project component,'' ''regional level,'' ''relevant outcome,'' and ''What Works Clearinghouse Handbooks (WWC Handbook)'' are from 34 CFR 77.1. The definitions of ''local educational agency,'' and ''State educational agency'' are from section 8101 of the ESEA.

Baseline means the starting point from which performance is measured and targets are set.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbooks:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Performance measure means any quantitative indicator, statistic, or

metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project, to be considered a regional-level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the SEA is the sole educational agency for all schools.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''strong evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement in this paragraph (iii)(d).

What Works Clearinghouse Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

Note: The What Works Clearinghouse Procedures and Standards Handbooks are available at *https://ies.ed.gov/ncee/wwc/Handbooks.*

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Program Authority: Section 4611 of the ESEA, 20 U.S.C. 7261.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $180,000,000.

These estimated available funds are the total available for all three types of grants under the EIR program (Early-phase, Mid-phase, and Expansion grants).

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Average Size of Awards: Up to $15,000,000.

Maximum Award: We will not make an award exceeding $15,000,000 for a project period of 60 months. The Department intends to fund one or more projects under each of the EIR competitions, including Expansion (84.411A), Mid-phase (84.411B), and Early-phase (84.411C). Entities may submit applications for different projects for more than one competition (Early-phase, Mid-phase, and Expansion). The maximum award amount a grantee may receive under these three competitions, taken together, is $15,000,000. If an entity is within funding range for multiple applications, the Department will award the highest scoring applications up to $15,000,000.

Estimated Number of Awards: 1–4.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under section 4611(c) of the ESEA, the Department must use at least 25 percent of EIR funds for a fiscal year to make awards to applicants serving rural areas, contingent on receipt of a sufficient number of applications of sufficient quality. For purposes of this competition, we will consider an applicant as rural if the applicant meets the qualifications for rural applicants as described in the *Eligible Applicants* section and the applicant certifies that it meets those qualifications through the application.

In implementing this statutory provision and program requirement, the Department may fund high-quality applications from rural applicants out of rank order in the Expansion competition.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An LEA;

(b) An SEA;

(c) The Bureau of Indian Education (BIE);

(d) A consortium of SEAs or LEAs;

(e) A nonprofit organization; and

(f) An LEA, an SEA, the BIE, or a consortium described in clause (d), in partnership with—

(1) A nonprofit organization;

(2) A business;

(3) An educational service agency; or

(4) An IHE.

To qualify as a rural applicant under the EIR program, an applicant must meet both of the following requirements:

(a) The applicant is—

(1) An LEA with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(2) A consortium of such LEAs;

(3) An educational service agency or a nonprofit organization in partnership with such an LEA; or

(4) A grantee described in clause (1) or (2) in partnership with an SEA; and

(b) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

Applicants are encouraged to retrieve locale codes from the National Center for Education Statistics School District search tool (*https://nces.ed.gov/ccd/districtsearch/*), where districts can be looked up individually to retrieve locale codes, and Public School search tool (*https://nces.ed.gov/ccd/schoolsearch/*), where individual schools can be looked up to retrieve locale codes. More information on rural applicant eligibility is in the application package.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code, (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual, (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant, or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

In addition, any IHE is eligible to be a partner in an application where an LEA, SEA, BIE, consortium of SEAs or LEAs, or a nonprofit organization is the lead applicant that submits the application. A private IHE that is a non-profit organization can apply for an EIR grant. A nonprofit organization, such as a development foundation, that is affiliated with a public IHE can apply for a grant. A public IHE that has 501(c)(3) status would also qualify as a nonprofit organization and could be a lead applicant for an EIR grant. A public IHE without 501(c)(3) status (even if that entity is tax exempt under Section 115 of the Internal Revenue Code or any other State or Federal provision), or that could not provide any other documentation described in 34 CFR 75.51(b), however, would not qualify as a nonprofit organization, and therefore could not apply for and receive an EIR grant.

2. *Cost Sharing or Matching:* Under section 4611(d) of the ESEA, each grant recipient must provide, from Federal, State, local, or private sources, an amount equal to 10 percent of funds provided under the grant, which may be provided in cash or through in-kind contributions, to carry out activities supported by the grant. Grantees must include a budget showing their matching contributions to the budget amount of EIR grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications. Section 4611(d) of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis, upon a showing of exceptional circumstances, such as:

(a) The difficulty of raising matching funds for a program to serve a rural area;

(b) The difficulty of raising matching funds in areas with a concentration of LEAs or schools with a high percentage of students aged 5 through 17—

(1) Who are in poverty, as counted in the most recent census data approved by the Secretary;

(2) Who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 *et seq.*);

(3) Whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or

(4) Who are eligible to receive medical assistance under the Medicaid program; and

(c) The difficulty of raising funds on Tribal land.

Applicants that wish to apply for a waiver must include a request in their application that describes why the matching requirement would cause serious hardship or an inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* a. *Funding Categories:* An applicant will be considered for an

award only for the type of EIR grant for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant (*e.g.,* both an Expansion grant and Mid-phase grant).

Note: Each application will be reviewed under the competition it was submitted under in the *Grants.gov* system, and only applications that are successfully submitted by the established deadline will be peer reviewed. Applicants should be careful that they download the intended EIR application package and that they submit their applications under the intended EIR competition.

b. *Evaluation:* The grantee must conduct an independent evaluation of the effectiveness of its project.

c. *High-need students:* The grantee must serve high-need students.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for Expansion grants, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative for an Expansion grant to no more than 35 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. Applicants may access this form using the link available on the Notice of Intent to Apply section of the competition website: *https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/innovation-early-learning/education-innovation-and-research-eir/fy-2021-competition/.* Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Expansion competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

A. *Significance (up to 15 points).*

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The national significance of the proposed project. (10 points)

(2) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies. (5 points)

B. *Strategy to Scale (up to 20 points).*

The Secretary considers the applicant's strategy to scale the proposed project. In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant identifies a specific strategy or strategies that address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale that is proposed in the application. (15 points)

(2) The mechanisms the applicant will use to broadly disseminate information on its project so as to support further development or replication. (5 points)

C. *Quality of the Project Design (up to 20 points).*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework. (5 points)

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (5 points)

(3) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (10 points)

D. *Adequacy of Resources and Quality of the Management Plan (up to 20 points).*

The Secretary considers the adequacy of resources and the quality of the management plan for the proposed project. In determining the adequacy of resources and quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The applicant's capacity (*e.g.,* in terms of qualified personnel, financial

resources, or management capacity) to bring the proposed project to scale on a national or regional level (as defined in 34 CFR 77.1(c)) working directly, or through partners, during the grant period. (10 points)

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (5 points)

(3) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (5 points)

E. *Quality of the Project Evaluation (up to 25 points).*

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse standards without reservations as described in the What Works Clearinghouse Handbook (as defined in 34 CFR 77.1(c)). (15 points)

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings. (5 points)

(3) The extent to which the evaluation plan clearly articulates the key project components, mediators, and outcomes, as well as a measurable threshold for acceptable implementation. (5 points)

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks;* (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp;* and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, applicants may view an optional webinar recording that was hosted by the Institute of Education Sciences. The webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing experimental studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia/18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

Peer reviewers will read, prepare a written evaluation of, and score the assigned applications, using the selection criteria provided in this notice.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The

GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

Note: The evaluation report is a specific deliverable under an Expansion grant that grantees must make available to the public. Additionally, EIR grantees are encouraged to submit final studies resulting from research supported in whole or in part by EIR to the Educational Resources Information Center (*http://eric.ed.gov*).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the EIR program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and attainment for high-need students. We have established, for the purpose of the Government Performance and Results Act of 1993 (GPRA), several performance measures (as defined in this notice) for the Expansion grants.

Annual performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of grantees that reach their annual target number of high-need students as specified in the application; (3) the percentage of grantees with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes in multiple contexts; (4) the percentage of grantees that implement an evaluation that provides information about the key practices and the approach of the project so as to facilitate replication; (5) the percentage of grantees that implement an evaluation that provides information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Cumulative performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of grantees that reach the targeted number of high-need students specified in the application; (3) the percentage of grantees that implement a completed well-designed, well-implemented, and independent evaluation that provides evidence of their effectiveness at improving student outcomes at scale; (4) the percentage of grantees with a completed well-designed, well-implemented, and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; (5) the percentage of grantees with a completed evaluation that provided information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Project-Specific Performance Measures: Applicants must propose project-specific performance measures and performance targets (as defined in this notice) consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline (as defined in this notice) data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ian Rosenblum,

Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2021–11938 Filed 6–4–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0050]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Impact Evaluation of Departmentalized Instruction in Elementary Schools

AGENCY: Institute of Educational Sciences (IES), 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 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 Thomas Wei, 646–428–3892.

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: Impact Evaluation of Departmentalized Instruction in Elementary Schools.

OMB Control Number: 1850–0942.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 12.

Total Estimated Number of Annual Burden Hours: 80.

Abstract: This study is authorized by Section 8601 of the Every Student Succeeds Act (ESSA), which tasks the U.S. Department of Education with conducting evaluations to build the evidence base in education. Finding creative ways to redeploy existing teachers in the classroom may yield academic benefits to students at little cost. One such strategy is departmentalized instruction, where each teacher specializes in teaching certain subjects to multiple classes of students instead of teaching all subjects to a single class of students (self-contained instruction). While nearly ubiquitous in secondary schools, departmentalization has only recently become more popular in upper elementary grades. This evaluation is examining the implementation and outcomes of teachers and students as they departmentalize in fourth and fifth grades. In doing so, it will generate valuable evidence on an improvement strategy that low-performing elementary schools identified under ESSA may consider adopting.

Dated: June 2, 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. 2021–11821 Filed 6–4–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Renewal of a Currently Approved Information Collection for the Energy Efficiency and Conservation Block Grant Financing Programs

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years a currently approved collection of information with the Office of Management and Budget (OMB). The information collection request, Energy Efficiency and Conservation Block Grant Program, was previously approved under OMB Control No. 1910–5150 and its current expiration date is September 30, 2021. The proposed collection will collect information on the status of Grantee activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively, and expeditiously.

DATES: Comments regarding this collection must be received on or before August 6, 2021. If you anticipate that

you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

And to

Pam Mendelson, EE–5W, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, Email: *Pam.Mendelson@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to:, James Carlisle, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, Phone: (202) 287–1724, Fax: (412) 386–5835, Email: *James.Carlisle@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5150; (2) *Information Collection Request Title:* Energy Efficiency and Conservation Block Grant Program Financing Programs; (3) *Type of Review:* Renewal of a Currently Approved Information Collection; (4) *Purpose:* To collect information on the status of Financing Program activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously; (5) *Annual Estimated Number of Respondents:* 54; (6) *Annual Estimated Number of Total Responses:* 101; (7) *Annual Estimated Number of Burden Hours:* 303; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $12,120. Respondents, total responses, burden hours and the annual cost burden have all been reduced over time because of the retirement of grants, fewer programs and a lessened burden on reporting and recordkeeping costs.

Statutory Authority: Title V, Subtitle E of the Energy Independence and Security Act (EISA), Public Law 110–140 as amended (42 U.S.C. 17151 *et seq.*).

Signing Authority

This document of the Department of Energy was signed on May 27, 2021, by Anna Maria Garcia, Acting Deputy Assistant Secretary for Energy Efficiency, Office of 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, June 2, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–11834 Filed 6–4–21; 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: EC21–63–000.
Applicants: Effingham County Power, LLC.
Description: Supplement to March 3, 2021 Application for Authorization Under Section 203 of the Federal Power Act of Effingham County Power, LLC.
Filed Date: 5/28/21.
Accession Number: 20210528–5520.
Comments Due: 5 p.m. ET 6/4/21.

Docket Numbers: EC21–98–000.
Applicants: AP Gas & Electric (NY), LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of AP Gas & Electric (NY), LLC.
Filed Date: 5/28/21.
Accession Number: 20210528–5407.
Comments Due: 5 p.m. ET 6/18/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–162–000.
Applicants: Phoenix 500, LLC.
Description: Phoenix 500, LLC submits Notice of Self Certification of Exempt Wholesale Generator Status.
Filed Date: 5/28/21.
Accession Number: 20210528–5397.
Comments Due: 5 p.m. ET 6/18/21.

Docket Numbers: EG21–163–000.
Applicants: Phoenix 820, LLC.
Description: Phoenix 820, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/28/21.
Accession Number: 20210528–5402.
Comments Due: 5 p.m. ET 6/18/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2437–016.
Applicants: Arizona Public Service Company.
Description: Notice of Change in Status of Arizona Public Service Company.
Filed Date: 5/28/21.
Accession Number: 20210528–5413.
Comments Due: 5 p.m. ET 6/18/21.

Docket Numbers: ER20–1039–002.
Applicants: GridLiance Heartland LLC.
Description: Compliance filing: GLH ITA Amended Compliance Filing ER20–1039 to be effective 3/1/2020.
Filed Date: 5/28/21.
Accession Number: 20210528–5343.
Comments Due: 5 p.m. ET 6/18/21.

Docket Numbers: ER20–2125–000.
Applicants: WGP Redwood Holdings, LLC.
Description: Further Supplement to the June 22, 2020 WGP Redwood Holdings, LLC tariff filing.
Filed Date: 5/27/21.
Accession Number: 20210527–5268.
Comments Due: 5 p.m. ET 6/17/21.

Docket Numbers: ER20–2148–004.
Applicants: Lexington Chenoa Wind Farm LLC.
Description: Compliance filing: Compliance filing for Docket ER20–2148 to be effective 8/24/2020.
Filed Date: 6/1/21.
Accession Number: 20210601–5046.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2038–000.
Applicants: Basin Electric Power Cooperative.
Description: § 205(d) Rate Filing: Submission of Revised Missouri Basin Power Project Agreements to be effective 12/31/9998.
Filed Date: 5/28/21.
Accession Number: 20210528–5391.
Comments Due: 5 p.m. ET 6/11/21.

Docket Numbers: ER21–2039–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Certificates of Concurrence for Amended MBPP Agreements to be effective 12/31/9998.
Filed Date: 5/28/21.
Accession Number: 20210528–5392.
Comments Due: 5 p.m. ET 6/18/21.

Docket Numbers: ER21–2040–000.
Applicants: California Independent System Operator Corporation.

Description: Petition for Approval of Disposition of Penalty Assessment Proceeds and non-Refundable Interconnection Financial Security of the California Independent System Operator Corporation.
Filed Date: 5/28/21.
Accession Number: 20210528–5488.
Comments Due: 5 p.m. ET 6/18/21.

Docket Numbers: ER21–2041–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6082; Queue No. AF1–039 to be effective 4/30/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5014.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2042–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6085; Queue No. AF2–275 to be effective 5/4/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5030.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2043–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Updated Effective Load Carrying Capability Construct, Effective August 1, 2021 to be effective 8/1/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5065.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2044–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1166R36 Oklahoma Municipal Power Authority NITSA NOA to be effective 8/1/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5127.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2045–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 320 to be effective 5/27/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5151.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2046–000.
Applicants: Equilon Enterprises LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/2/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5165.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2047–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3215R10 People's Electric Cooperative NITSA NOA to be effective 8/1/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5193.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2048–000.
Applicants: Sac County Wind, LLC.
Description: Baseline eTariff Filing: Sac County Wind, LLC Application for MBR Authority to be effective 8/1/2021.
Filed Date: 6/1/21.
Accession Number: 20210601–5213.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2049–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of Service Agreement No. 7 with West Contra Costa Energy Recovery Company Incorporated of Pacific Gas and Electric Company.
Filed Date: 6/1/21.
Accession Number: 20210601–5221.
Comments Due: 5 p.m. ET 6/22/21.

Docket Numbers: ER21–2050–000.
Applicants: Midcontinent Independent System Operator, Inc., Consumers Energy Company.
Description: § 205(d) Rate Filing: 2021–06–01_Consumers Energy Exit Filing to be effective 12/31/9998.
Filed Date: 6/1/21.
Accession Number: 20210601–5230.
Comments Due: 5 p.m. ET 6/22/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–48–000.
Applicants: Northern Indiana Public Service Company.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Northern Indiana Public Service Company LLC.
Filed Date: 5/28/21.
Accession Number: 20210528–5491.
Comments Due: 5 p.m. ET 6/18/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–11869 Filed 6–4–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2601–068]

Northbrook Carolina Hydro II, LLC, HydroLand Carolinas I, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On May 13, 2021, Northbrook Carolina Hydro II, LLC (transferor) and HydroLand Carolinas I, LLC (transferee) filed jointly an application for the transfer of license of the Bryson Hydroelectric Project No. 2601. The project is located on the Oconaluftee River, near the City of Bryson, in Swain County, North Carolina.

The applicants seek Commission approval to transfer the license for the Bryson Hydroelectric Project from the transferor to the transferee.

Applicants Contact: For transferor: Mr. Kyle Kroeger, Northbrook Carolina Hydro II, LLC, c/o North Sky Capital, LLC, 33 South Sixth Street, Suite 4646, Minneapolis, MN 55402, Email: *kkroeger@northskycapital.com* and Mr. John C. Ahlrichs, Northbrook Energy, LLC, 14550 N Frank Lloyd Wright Blvd., Suite 210, Scottsdale, AZ 85260, Email: *cahlrichs@nbenergy.com* with a copy to: Mr. Curt Whitaker, c/o Rath, Young and Pignatelli, One Capital Plaza, Box 1500, Concord, NH 03302, Email: *mcm@rathlaw.com.*

For transferee: Mr. Cory Lagerstrom, CEO, HydroLand Carolinas I, LLC, c/o HydroLand, Inc., 4603 Homestead Drive, Prairie Village, KS 66208, Email: *cory@hydrolandcorp.com.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-*

filing/efiling.asp. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2601–068. Comments emailed to Commission staff are not considered part of the Commission record.

Dated: June 1, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–11851 Filed 6–4–21; 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 Numbers: RP21–854–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Uniper Global to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5008.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–855–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Wells Fargo 51758) to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5074.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–856–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) Rate Filing: Targa FTS Negotiated Rate to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5093.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–857–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Southern 49811 to FPL 54066) to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5116.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–858–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various shippers eff 6–1–2021) to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5117.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–859–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2021 May Negotiated Rate Amendments to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5140.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–860–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2021 Housekeeping Original Volume 1A to be effective 6/28/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5148.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–861–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement (Hartree) to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5172.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–862–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210528 Negotiated Rate to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5212.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–863–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–05–28 Negotiated Rate Agreement to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5251.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–864–000.
Applicants: Horizon Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Elgin Energy Center LLC to be effective 6/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5258.
Comments Due: 5 p.m. ET 6/9/21.

Docket Numbers: RP21–865–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 7/1/2021.
Filed Date: 5/28/21.
Accession Number: 20210528–5313.
Comments Due: 5 p.m. ET 6/9/21.

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: June 1, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–11870 Filed 6–4–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–13–000]

Climate Change, Extreme Weather, and Electric System Reliability; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued in this proceeding on March 5, 2021, Federal Energy Regulatory Commission (Commission) staff will convene a technical conference to discuss issues

surrounding the threat to electric system reliability posed by climate change and extreme weather events. The conference will be held on Tuesday, June 1, 2021 and Wednesday June 2, 2021, from approximately 1:00 p.m. to 6:00 p.m. Eastern Time each day. The conference will be held virtually via WebEx. Commissioners may attend and participate.

We note that 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:

California Independent System Operator Corp., Docket No. ER21–1536–000
California Independent System Operator Corp., Docket No. ER21–1551–000
California Independent System Operator Corp., Docket No. ER21–1790–000
CAlifornians for Renewable Energy v. *California Independent System Operator Corp.,* Docket No. EL20–69–001
Central Hudson Gas & Elec. Corp., et al. v. *New York Independent System Operator, Inc.,* Docket No. EL21–66–000
Complaint of Michael Mabee, Docket No. EL21–54–000
Duke Energy Carolinas, LLC, et al., Docket No. ER21–1579–000
George Berka v. Andrew Cuomo, et al., Docket No. EL21–61–000
New York Independent System Operator, Inc., Docket Nos. ER21–502–002, ER21–502–003
New York Independent System Operator, Inc., Docket Nos. ER21–1018–000, ER21–1018–001
New York Transmission Owners, Docket No. ER21–1647–000
NV Energy v. *California Independent System Operator Corp.*, Docket No. EL21–74–000
PJM Interconnection, L.L.C., Docket No. ER21–278–001
PJM Interconnection, L.L.C., Docket Nos. EL19–100–000, ER20–584–000
PJM Interconnection, L.L.C., Docket No. ER21–1635–000

Attached to this Supplemental Notice is a revised agenda for the technical conference, which includes the final conference program and expected speakers. The conference will be open for the public to attend virtually. Information on the technical conference will also be posted on the Calendar of Events on the Commission's website, *http://www.ferc.gov,* prior to the event. The conference will be transcribed. Transcripts of the conference will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

For more information about this technical conference, please contact Rahim Amerkhail, 202–502–8266, *rahim.amerkhail@ferc.gov* for technical questions or Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov* for logistical issues.

Dated: May 27, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–11814 Filed 6–4–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2603–050]

Northbrook Carolina Hydro II, LLC; HydroLand Carolinas I, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On May 13, 2021, Northbrook Carolina Hydro II, LLC (transferor) and HydroLand Carolinas I, LLC (transferee) filed jointly an application for the transfer of license of the Franklin Hydroelectric Project No. 2603. The project is located on the Little Tennessee River, near the City of Franklin, in Macon County, North Carolina.

The applicants seek Commission approval to transfer the license for the Franklin Hydroelectric Project from the transferor to the transferee.

Applicants Contact: For transferor: Mr. Kyle Kroeger, Northbrook Carolina Hydro II, LLC, c/o North Sky Capital, LLC, 33 South Sixth Street, Suite 4646, Minneapolis, MN 55402, Email: *kkroeger@northskycapital.com* and Mr. John C. Ahlrichs, Northbrook Energy, LLC, 14550 N Frank Lloyd Wright Blvd., Suite 210, Scottsdale, AZ 85260, Email: *cahlrichs@nbenergy.com* with a copy to: Mr. Curt Whitaker, c/o Rath, Young and Pignatelli, One Capital Plaza, Box 1500, Concord, NH 03302, Email: *mcm@rathlaw.com.*

For transferee: Mr. Cory Lagerstrom, CEO, HydroLand Carolinas I, LLC, c/o HydroLand, Inc., 4603 Homestead Drive, Prairie Village, KS 66208, Email: *cory@hydrolandcorp.com.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2603–050. Comments emailed to Commission staff are not considered part of the Commission record.

Dated: June 1, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–11848 Filed 6–4–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1013; OMB 3060–XXXX, FRS 30133]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed

information collection should be submitted on or before July 7, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1013.

Title: Mitigation of Orbital Debris.

Form Number: N/A.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit entities, not-for-profit institutions.

Number of Respondents: 46 respondents; 46 responses.

Estimated Time per Response: 8 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 301, 303, 307, 308, 309, and 310.

Total Annual Burden: 368 hours.

Annual Cost Burden: $88,550.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: On April 24, 2020, the Commission released a Report and Order, FCC 20–54, IB Docket No. 18–313, titled ''Mitigation of Orbital Debris in the New Space Age'' (Orbital Debris Report and Order). In this Orbital Debris Report and Order, the Commission updated its rules related to orbital debris mitigation, including application requirements. The new rules are designed to ensure that the Commission's actions concerning radio communications, including licensing U.S. spacecraft and granting access to the U.S. market for non-U.S. spacecraft, mitigate the growth of orbital debris, while at the same time not creating undue regulatory obstacles to new satellite ventures. The action will help to ensure that Commission decisions are consistent with the public interest in space remaining viable for future satellites and systems and the many services that those systems provide to the public. The rule revisions also provide additional detail to applicants on what information is expected under the Commission's rules, which can help to increase certainty in the application filing process. While this information collection represents an overall increase in the burden hours, the information collection serves the public interest by ensuring that the Commission and public have necessary information about satellite applicants' plans for mitigation of orbital debris.

Specifically, FCC 20–54 contains the new or modified information collection requirements listed below, applicable to applicants seeking experimental licenses for satellite operations under part 5 of the Commission's rules, as well as to license grantees under part 97 submitting notifications to the Commission prior to launch of a satellite amateur station:

(1) Existing disclosure requirements have been revised to include specific metrics in several areas, including: Probability that the space stations will become a source of debris by collision with small debris and meteoroids that would cause loss of control and prevent disposal; probability of collision between any non-geostationary orbit (NGSO) space station and other large objects; and casualty risk associated with any individual spacecraft that will be disposed by atmospheric re-entry.

(2) Where relevant, the disclosures must include the following: Use of separate deployment devices, distinct from the space station launch vehicle, that may become a source of orbital debris; potential release of liquids that will persist in droplet form; and any planned proximity operations and debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks.

(3) The existing disclosure requirement to analyze potential collision risk associated with space station(s) orbits has been modified to specify that the disclosure identify characteristics of the space station(s)' orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicate what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the operator plans to use to avoid collision.

(4) For NGSO space stations that will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, the disclosure must include the design and operational strategies, if any, that will be used to minimize the risk of collision

and avoid posing any operational constraints to the inhabitable spacecraft.

(5) The disclosure must include a certification that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: Contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(6) For NGSO space stations the disclosure must describe the extent of satellite maneuverability.

(7) The disclosure must address trackability of the space station(s). For NGSO space stations the disclosure must also include: (a) How the operator plans to identify the space station(s) following deployment and whether the space station tracking will be active or passive; (b) whether, prior to deployment the space station(s) will be registered with the 18th Space Control Squadron or successor entity; and (c) the extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(8) For NGSO space stations, additional disclosures must be provided regarding spacecraft disposal, including, for some space stations, a demonstration that the probability of success of the chosen disposal method is 0.9 or greater for any individual space station, and for multi-satellite systems, a demonstration including additional information regarding efforts to achieve a higher probability of success.

These information collection requirements are contained in 47 CFR 5.64 and 47 CFR 97.207.

OMB Control Number: 3060–XXXX.

Title: Legacy High-Cost Support Recipient Initial Report of Current Service Offerings.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: Up to 110 respondents and 110 responses.

Estimated Time per Response: 16 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 1,760 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: Most of the information collected under this collection will be made publicly available. However, in recognition of the fact that a carrier may consider the infrastructure information required to be submitted as part of its initial report to be sensitive, such infrastructure information will be treated as presumptively confidential by the Commission and the Universal Service Administrative Company (USAC) and withheld from public inspection, although USAC will provide these data to the Commission and the relevant state, territory, and Tribal governmental entities that have jurisdiction over a particular service area, as applicable. To the extent that a respondent seeks to have other information collected in response to this information collection withheld from public inspection, the respondent may request confidential treatment pursuant to 47 CFR 0.459 of the Commission's rules.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: A request for approval of this new information collection will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from OMB.

On November 18, 2011, the Commission released the USF/ICC transformation Order (FCC 11–161) in which it comprehensively reformed and modernized the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. In the USF/ICC Transformation Order, the Commission, among other things, adopted a requirement that all eligible telecommunications carriers (ETCs) offer broadband service in their supported area that meets certain basic performance requirements and report regularly on associated performance measures as a condition of receiving federal high-cost universal service support.

On October 27, 2020, the Commission adopted the 5G Fund Report and Order (FCC 20–150) in which it, among other things, helped to complete the reform of the high-cost program begun in the USF/ICC Transformation Order by adopting additional public interest obligations and performance requirements for legacy high-cost support recipients, whose broadband-specific public interest obligations for mobile wireless services were not previously detailed. The public interest obligations adopted in the 5G Fund Report and Order for each competitive ETC receiving legacy high-cost support for mobile wireless services require that such competitive ETC (1) use an increasing percentage of its legacy support toward the deployment, maintenance, and operation of voice and broadband networks that support 5G meeting the adopted performance requirements within its subsidized service area(s), and (2) meet specific 5G broadband service deployment coverage requirements and service deployment milestone deadlines that take into consideration the amount of legacy support the carrier receives.

In order to gain a complete understanding of the current service offerings of each competitive ETC receiving legacy high-cost support for mobile wireless services, the Commission adopted rules that require each such competitive ETC to file an initial report containing information and certifications about (1) its current mobile service offerings in each of its subsidized service areas and how it is using legacy support, (2) whether it is offering mobile services in its subsidized service areas at rates that are reasonably comparable to those charged in urban areas, and (3) whether it has availed itself of the geographic flexibility granted by the Commission concerning its use of support within any other designated service area(s) for which it or an affiliated competitive ETC receives legacy support. See 47 CFR 54.313(p), 54.322(g), (h). The information and certifications provided in these initial reports will be used by the Commission to ensure that competitive ETCs receiving legacy high-cost support for mobile wireless services deploy 5G service by in their subsidized service areas consistent with the rules adopted by the Commission in the 5G Fund Report and Order.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–11827 Filed 6–4–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0188; FRS 30456]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 6, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0188.

Title: Call Sign Reservation and Authorization System, FCC Form 380.

Form Number: FCC Form 380.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, Not-for-profit institutions; and State, local, or tribal government.

Number of Respondents and Responses: 1,600 respondents; 1,600 responses.

Estimated Hours per Response: 0.166–0.25 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 333 hours.

Total Annual Cost: $162,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i) and 303 of the Communications Act of 1934, as amended.

Nature and Extend of Confidentiality: There is need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 73.3550 provide that all requests for new or modified call signs be made via the on-line call sign reservation and authorization. The Commission uses an on-line system, FCC Form 380, for the electronic preparation and submission of requests for the reservation and authorization of new and modified call signs. Access to the call sign reservation and authorization system is made by broadcast licensees and permittees, or by persons acting on their behalf, via the internet's World Wide Web. This on-line, electronic call sign system enables users to determine the availability and licensing status of call signs; to request an initial, or change an existing, call sign; and to determine and submit more easily the appropriate fee, if any. Because all elements necessary to make a valid call sign reservation are encompassed within the on-line system, this system prevents users from filing defective or incomplete call sign requests. The electronic system also provides greater certitude, as a selected call sign is effectively reserved as soon as the user has submitted its call sign request. This electronic call sign reservation and authorization system has significantly improved service to all radio and television broadcast station licensees and permittees.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–11828 Filed 6–4–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–20PE]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Operational Readiness Review 2.0 to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June 23, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Operational Readiness Review 2.0—Existing Information Collection in Use Without an OMB Control Number—Center for Preparedness and Response (CPR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To help evaluate the country's public health emergency preparedness and response capacity, the Centers for Disease Control and Prevention's Division of State and Local Readiness (DSLR) administers the Public Health Emergency Preparedness (PHEP) cooperative agreement. The PHEP program is a critical source of funding for 62 state, local, and territorial jurisdictions, including four major metropolitan areas (Chicago, Los Angeles County, New York City, and Washington, DC) to build and strengthen their ability to respond to and recover from public health emergencies.

The Operational Readiness Review (ORR) is a rigorous, evidence-based assessment used to evaluate PHEP recipients' planning and operational functions. The previous version of the ORR evaluated a jurisdiction's ability to execute a large emergency response requiring medical countermeasure (MCM) distribution and dispensing. The purpose of the new ORR 2.0 is to expand measurement and evaluation to all 15 Public Health Emergency Preparedness and Response Capabilities, which serve as national standards for public health preparedness planning. The capabilities are: 1—Community Preparedness, 2—Community Recovery, 3—Emergency Operations Coordination, 4—Emergency Public Information and Warning, 5—Fatality Management, 6—Information Sharing, 7—Mass Care, 8—Medical Countermeasure Dispensing and Administration, 9—Medical Materiel Management and Distribution, 10—Medical Surge, 11—Nonpharmaceutical Intervention, 12—Public Health Laboratory Testing, 13—Public Health Surveillance and Epidemiological Investigation, 14—Responder Safety and Health, and 15—Volunteer Management. These capabilities serve as national standards for public health preparedness planning.

The ORR 2.0 will have three modules: Descriptive, planning, and operational, which will allow DSLR to analyze the data for the development of descriptive statistics and to monitor the progress of each recipient towards performance goals. The four major metropolitan areas have additional reporting requirements that are incorporated into the operational module. The intended outcome of the ORR 2.0 is to assist CDC in identifying strengths and challenges facing preparedness programs across the nation, and to identify opportunities for improvement and further technical support.

Information will be collected from respondents using the new Operational Readiness Review (ORR) 2.0 platform, but a backup paper option is available for jurisdictions that require it. Information collected from respondents is a requirement of the PHEP Cooperative Agreement for participants to receive funding. CDC requests a three-year approval for this information collection. The total annualized burden estimate is 3,055 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)
All PHEP Awardees: State, local, territorial, and metropolitan area jurisdictions.	Descriptive Module: Jurisdictional structure sheet.	62	1	3
	Critical contact sheet (CCS)	62	1	80/60
	Jurisdictional data sheet (JDS)	62	1	2.5
	Partner planning sheet	62	1	8
	Workforce development and training	62	1	1.5
All PHEP Awardees: State, local, territorial, and metropolitan area jurisdictions.	Planning Module: Capability 1	62	1	1
	Capability 2	62	1	1
	Capability 3	62	1	2
	Capability 4	62	1	1.5
	Capability 5	62	1	2.5
	Capability 6	62	1	1
	Capability 7	62	1	2
	Capability 8	62	1	3
	Capability 9	62	1	195/60
	Capability 10	62	1	2
	Capability 11	62	1	1.5
	Capability 12	62	1	1.5
	Capability 13	62	1	2.5
	Capability 14	62	1	1.5
	Capability 15	62	1	75/60
All PHEP Awardees: State, local, territorial, and metropolitan area jurisdictions.	Operations Module: Ops 1	62	3	20/60
	Ops 2	62	3	15/60
	Tabletop exercise (TTX)	62	1	1.5
	Partner role (Par1)	62	1	15/60
	Access and functional needs exercise accommodations or actions (Par2).	62	1	0.5
	Joint exercise with emergency management and health care coalitions (Par3).	62	1	6/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)
	Vaccination of critical workforce (functional exercise, full-scale exercise, or incident).	62	1	12/60
	Vaccination of critical workforce (point of dispensing/dispensing/vaccination clinic setup).	62	1	12/60
	Vaccination of critical workforce (immunization information system).	62	1	12/60
	Five-year distribution FSE OR five-year pandemic influenza full-scale exercise.	62	1	0.5
PHEP Awardees: Major Metropolitan Area Jurisdictions.	Facility setup drill	4	1	45/60
	Site activation drill	4	1	1
	Staff notification and assembly drill	4	1	1
	Dispensing throughput drill	4	1	12/60
	Five-year dispensing full-scale exercise or incident.	4	1	6/60
	Five-year dispensing full-scale exercise for each point of dispensing site exercised.	4	1	6/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–11872 Filed 6–4–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–P–2317]

Determination That QUELICIN PRESERVATIVE FREE (Succinylcholine Chloride) Injection, 20 Milligrams/Milliliter, 50 Milligrams/Milliliter, and 100 Milligrams/Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 milligrams (mg)/milliliter (mL), 50 mg/mL, and 100 mg/mL, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Nikki Mueller, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6280, Silver Spring, MD 20993–0002, 301–796–3601, *Nicole.Mueller@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, is the subject of NDA 008845, held by Hospira, Inc., and initially approved on May 1, 1953. QUELICIN PRESERVATIVE FREE is indicated as an adjunct to general anesthesia, to facilitate tracheal intubation, and to provide skeletal muscle relaxation during surgery or mechanical ventilation.

Baxter Healthcare Corp. submitted a citizen petition dated December 21, 2020 (Docket No. FDA–2020–P–2317), under 21 CFR 10.30, requesting that the Agency determine whether QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, was not withdrawn for reasons of safety or

effectiveness. The petitioner has identified no data or other information suggesting that QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to QUELICIN PRESERVATIVE FREE (succinylcholine chloride) Injection, 20 mg/mL, 50 mg/mL, and 100 mg/mL, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: May 27, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–11802 Filed 6–4–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–P–2174]

Determination That ATROVENT (Ipratropium Bromide) Metered Spray, 0.021 Micrograms/Spray and 0.042 Micrograms/Spray, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that ATROVENT (ipratropium bromide) metered spray, 0.021 micrograms (mcg)/spray and 0.042 mcg/spray, were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray, is the subject of NDA 020393 and ATROVENT (ipratropium bromide) metered spray, 0.042 mcg/spray, is the subject of NDA 020394, both held by Boehringer Ingelheim Pharmaceuticals, Inc., and initially approved on October 20, 1995. ATROVENT is indicated for the symptomatic relief of rhinorrhea associated with allergic and nonallergic perennial rhinitis in adults and children age 6 years and older.

In letters dated December 22, 2017, Boehringer Ingelheim Pharmaceuticals, Inc., requested withdrawal of NDA 020393 and NDA 020394 for ATROVENT (ipratropium bromide). In the **Federal Register** of July 12, 2018 (83 FR 32305), FDA announced that it was withdrawing approval of NDA 020393 and NDA 020394, effective August 13, 2018.

Lachman Consulting Services, Inc., submitted a citizen petition dated November 5, 2020 (Docket No. FDA–2020–P–2174), under 21 CFR 10.30, requesting that the Agency determine whether ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray and 0.042 mcg/spray, were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray and 0.042 mcg/spray, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray and 0.042 mcg/spray, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray and 0.042 mcg/spray, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these drug products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list ATROVENT (ipratropium bromide) metered spray, 0.021 mcg/spray and 0.042 mcg/spray, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List''

delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

FDA will not begin procedures to withdraw approval of approved ANDAs that refer to these drug products. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: May 27, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–11800 Filed 6–4–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Multi-Component Application.

Date: July 21, 2021.

Time: 12:45 p.m. to 5:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Dario Dieguez, Jr., Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301.827.3101, *dario.dieguez@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 2, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–11880 Filed 6–4–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK F99/K99 Special Emphasis Panel.

Date: June 23, 2021.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7119, Bethesda, MD 20892–5452, 301–594–7271, *koezelp@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–11881 Filed 6–4–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel; PLCO Biospecimens Resource U01 SEP.

Date: July 1, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W102, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Shakeel Ahmad, Ph.D., Branch Chief, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W102, Rockville, Maryland 20850, 240–276–6442, *ahmads@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research at the NIH Clinical Center (U01).

Date: July 1, 2021.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609, Medical Center Drive, Room 7W240, Rockville, Maryland 20850, 240–276–5122, *hasan.siddiqui@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 2, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–11843 Filed 6–4–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 22, 2021, 10:00 a.m. to June 22, 2021, 08:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on May 18, 2021, 86 FR 26931.

Lawrence Kagemann, Ph.D., *Larry.Kagemann@Nih.Gov,* (301) 480–6849, will be the new Contact person, replacing Inna Gorshkova as Scientific Review Officer. The meeting date and location remain the same. The meeting is closed to the public.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–11879 Filed 6–4–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2019–0882]

BNSF Railway Bridge Across the Missouri River Between Bismarck and Mandan, North Dakota; Draft Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability of draft Environmental Impact Statement, request for comments, and announcement of virtual public meeting.

SUMMARY: The United States Coast Guard, as the lead federal agency, announces the availability of a draft Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) NEPA implementing regulations, and the National Historic Preservation Act (NHPA), evaluating the potential environmental consequences of permitting the replacement of the existing BNSF Railway Bridge across the Missouri River between the cities of Bismarck and Mandan, ND, or constructing a bridge adjacent to the existing bridge. The applicant proposes to remove the existing structure, which is eligible for listing on the National Register of Historic Places. The Coast Guard is analyzing proposed alternatives, through the NEPA and NHPA processes, to construct the new bridge while retaining the existing bridge. The Coast Guard is making the draft EIS available for public review and requests public comments. Additionally, the Coast Guard intends to host a virtual public meeting to provide additional information to the public and to solicit comments on potential issues and concerns.

DATES: Substantive and relevant comments must be submitted to the online docket via *https://www.regulations.gov/* on or before July 22, 2021.

ADDRESSES: You may submit substantive and relevant comments identified by docket number USCG–2019–0882 using the Federal eRulemaking Portal at *https://www.regulations.gov/.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Rob McCaskey, Coast Guard District Eight Project Officer, 314–269–2381.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

BNSF Railway Company owns and operates the existing bridge that crosses the Missouri River between the cities of Mandan, and Bismarck, North Dakota. With bridge components over 130 years old, the in-place structure is approaching the end of its useful service life. The structure has a history of exposure to ice jams and its substructure configuration renders it potentially susceptible to scour events which remove sediment from around the bridge abutments and piers. Although currently stable, the structure has experienced structural issues at both approaches in the past, resulting in unanticipated substructure movements. Since the bridge's original construction in 1882, the east hill slope has begun to move which resulted in the slope moving the pier west towards the river. Multiple remediation efforts to correct the pier damage and slope movement took place from the early 1900s to the mid-1950s. The purpose of the project is to construct a new, independent bridge across the Missouri River upstream of the in-place structure. The new structure will provide a significant improvement in operational reliability and safety, and will provide enhanced structural redundancy thereby making it less susceptible to damage. As the current structure is over 130 years old, it requires substantial inspection and maintenance, which are disruptive to rail service. The new structure will be a single-track bridge but have the capability to carry a second track in the future when and if volumes necessitate that addition.

The BNSF Bismarck Bridge was constructed with similar methods in the same era as the Brooklyn Bridge. It is an iconic landmark that predates official North Dakota statehood by 6 years. The bridge is eligible for listing in the National Register of Historic Places for its association with broad patterns of railroad, commercial and military history of the United States. Because of these attributes, certain interest groups have expressed a desire to preserve the existing bridge.

The federal bridge statutes, including the General Bridge Act of 1946 (33 U.S.C. 525 *et seq.*), require that the location and plans of bridges in or over navigable waters of the United States be approved by the Secretary of Homeland Security, who has delegated that responsibility to the Coast Guard. The Missouri River is a navigable water of the United States as defined in 33 CFR 2.36(a). The Coast Guard's primary responsibility regarding BNSF's proposed railroad bridge is to ensure the structure does not unreasonably obstruct navigation. In exercising these bridge authorities, the Coast Guard considers navigational and environmental impacts, which include historic and tribal effects.

The Coast Guard is the lead federal agency for this project and, as such, is responsible for the review of its potential effects on the human environment, including historic properties and tribal impacts, pursuant to NEPA and NHPA. The Coast Guard is, therefore, required by law to ensure potential environmental effects are carefully evaluated in each bridge permitting decision.

The four alternatives considered for the proposed project include different span lengths and different distances from the current bridge. Specifically, the alternatives include:

- Building a new bridge with 200-foot spans and piers 92.5 feet upstream of the existing bridge (alternative considered keeping the existing bridge and removing the existing bridge).
- Building a new bridge with 400-foot spans and piers 92.5 feet upstream of

the existing bridge (alternative considered keeping the existing bridge and removing the existing bridge).

- Building a new bridge with 200-foot spans and piers 42.5 feet upstream of the existing bridge (alternative considered keeping the existing bridge and removing the existing bridge).
- Building a new bridge with 200-foot spans and piers 20 feet upstream of the existing bridge and removing the existing bridge (BNSF Preferred Design).

The alternatives were developed to meet the purpose and need of the project, which is to provide BNSF Railway with a new bridge that can accommodate two tracks at a future date should a second track become needed. There are specific constraints in the area that must be taken into consideration as designs are evaluated. For example, the bridge is close to the Missouri River Natural Area, which is a federally funded park managed by the North Dakota Parks and Recreation Department in cooperation with the North Dakota Department of Transportation, Morton County Parks, and the City of Mandan. The Missouri River Natural Area is the home to many species, including bald eagles, fox, deer and owls. Likewise, the bridge is in close proximity to the Bismarck Reservoir, which is a major source of drinking water for residents of the area and is located in an area with a history of significant slope stability issues.

As part of this evaluation process, the Coast Guard solicits substantive and relevant comments from the public, and any Federal, State, and local agencies with expertise in, and authority over, particular resources that may be impacted by a project. Additionally, the Coast Guard seeks input from any tribes that may be affected or otherwise have expertise or equities in the project. Agencies that have already participated in the environmental review of this Project include the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (USFWS), the U.S. Federal Emergency Management Agency (FEMA), the North Dakota State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP).

II. Discussion

The Coast Guard developed a draft EIS that addresses impacts associated with the alternatives mentioned in Section I above. These impacts include those environmental control laws listed in the Coast Guard's Bridge Permit Application Guide (available at *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5pw/Office%20of%20Bridge%20Programs/BPAG%20COMDTPUB%20P16591%203D_Sequential%20Clearance%20Final(July2016).pdf*), as well as those impacts associated with floodplain rise, impacts to the Bismarck Water Reservoir and the Missouri River Natural Area.

On January 15, 2021, a Programmatic Agreement in accordance with Section 106 of the NHPA was signed to address the adverse effect on the historic bridge. To date, the Coast Guard has held 16 consultation meetings with stakeholders to develop the Final Programmatic Agreement. The Coast Guard is currently working with consulting parties to develop a Memorandum of Agreement, which will act as an implementation plan for the Programmatic Agreement. The Programmatic Agreement is available in the appendix of the draft EIS.

We request your substantive and relevant comments on environmental concerns that you may have related to the draft EIS. Your comments will be considered in preparing a final environmental document.

III. Public Participation and Comments

We encourage you to submit substantive and relevant comments (or related material) on the draft Environmental Impact Statement. We will consider all substantive and relevant submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov/*. If your material cannot be submitted using *http://www.regulations.gov/,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. The draft EIS and public comments will be available in our online docket at *http://www.regulations.gov/* and can be viewed by following that website's instructions.

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

IV. Virtual Public Meeting

Due to the ongoing COVID–19 pandemic, the Coast Guard intends to hold a virtual public meeting to receive oral and written comments on this draft EIS. The meeting will be held on June 30, 2021 from 6:00–9:00 p.m. (Central), and can be accessed online at *https://ch2m-pge.my.webex.com/ch2m-pge.my/j.php?MTID=m45e9e9fb750989eb89f8bf260630b06c.* Attendees may also join by phone. The call-in number is 1–510–338–9438 (USA toll) and the access code is 182 625 0321. The meeting is expected to last approximately 3 hours.

The virtual meeting is open to the public. Those who plan to attend the meeting and wish to present substantive and relevant comments may request to do so through the online docket at *http://www.regulations.gov,* and will be called in order of requests received. Attendees who have not previously made a request to present comments will follow those who have already submitted a request, as time permits. If a large number of persons wish to speak, the presiding officer may be required to limit the time allotted to each speaker. It is requested that one member from a group speak on behalf of that group in order to allow more views to be presented. The public meeting may end early if all present wishing to speak have done so.

A transcript of the meeting will be made available for public review approximately 30 days after the meeting. All substantive and relevant comments will be incorporated into the official case record.

Information on Service for Individuals With Disabilities: For information on services for individuals with disabilities or to request special assistance during the public meeting contact Mr. Rob McCaskey at the telephone number under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

This notice is issued under the authority of 5 U.S.C. 552 (a) and 40 CFR 1506.6.

Dated: June 1, 2021.

Brian L. Dunn,

Chief, U.S. Coast Guard, Office of Bridge Programs.

[FR Doc. 2021–11801 Filed 6–4–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0007]

Application for Allowance in Duties

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than August 6, 2021) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0007 in the subject line and the agency name. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Allowance in Duties.

OMB Number: 1651–0007.

Form Number: CBP Form 4315.

Current Actions: Extension.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 4315, ''*Application for Allowance in Duties,*'' is submitted to CBP in instances of claims of damaged or defective imported merchandise on which an allowance in duty is made in the liquidation of the entry. The information on this form is used to substantiate an importer's claim for such duty allowances. CBP Form 4315 is authorized by 19 U.S.C. 1506 and provided for by 19 CFR 158.11, 158.13, and 158.23. This form is accessible at: *https://www.cbp.gov/sites/default/files/assets/documents/2020-Mar/CBP%20Form%204315.pdf.*

This collection of information applies to the importing and trade community who are familiar with import procedures and with the CBP regulations.

19 CFR 158.11—Merchandise completely worthless at time of importation. The allowance in duties may be made to nonperishable merchandise if found without commercial value at the time the importation by reason of damage or deterioration. For perishable merchandise an allowance in duties may be made if an application, on Customs Form 4315, or its electronic equivalent, is filed within 96 hours after the unlading of the merchandise and before any of the shipment involved has been removed from the pier, and only on such of the merchandise as is found by the port director to be entirely without commercial value by reason of damage or deterioration. If an application is withdrawn, the merchandise involved shall thereafter be released upon presentation of an appropriate permit.

19 CFR 158.13—Allowance for moisture and impurities. An application for an allowance in duties is made by the importer on Customs Form 4315, or its electronic equivalent, for all detectable moisture and impurities present in or upon imported petroleum or petroleum products. For products, other than petroleum or petroleum products, with excessive moisture or other impurities not usually found in or upon such or similar merchandise an application for an allowance in duties shall be made by the importer on Customs Form 4315, or its electronic equivalent. If the port director is satisfied after any necessary investigation that the merchandise contains moisture or impurities, the Center director will make allowance for the amount thereof in the liquidation of the entry.

19 CFR 158.23—Filing of application and evidence by importer. Within 30 days from the date of his discovery of the loss, theft, injury, or destruction, the importer shall file an application on Customs Form 4315, or its electronic equivalent and within 90 days from the date of discovery shall file any evidence required by § 158.26 or § 158.27.

Type of Information Collection: CBP Form 4315.

Estimated Number of Respondents: 12,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 12,000.

Estimated Time per Response: 0.1333 hours.

Estimated Total Annual Burden Hours: 1,600.

Dated: June 1, 2021.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2021–11799 Filed 6–4–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0010; OMB No. 1660–0039]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of renewal and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before July 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Dawn Long, Statistician, FEMA, National Fire Academy at (301) 447–1488.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on March 15, 2021, at 86 FR 14335 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0039.

Form Titles and Numbers: FEMA Form 078–0–2, National Fire Academy Long-Term Evaluation Form for Supervisors; FEMA Form 078–0–2A, National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Abstract: The National Fire Academy Long-Term Evaluation Forms will be used to evaluate all National Fire Academy (NFA) on-campus resident training courses. Course graduates and their supervisors will be asked to evaluate the impact of the training on both individual job performance and the performance of the fire and emergency response department where the student works. The data provided by students and supervisors is used to update existing NFA course materials and to develop new courses that reflect the emerging issues and needs of the Nation's fire service.

Affected Public: State, local or Tribal governments.

Estimated Number of Respondents: 3,000.

Estimated Number of Responses: 3,000.

Estimated Total Annual Burden Hours: 405.

Estimated Total Annual Respondent Cost: $20,741.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $46,643.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–11838 Filed 6–4–21; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0011]

RIN 1660–AB08

Request for Information on FEMA Programs, Regulations, and Policies; Public Meetings; Extension of Comment Period

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Announcement of public meetings; extension of comment period.

SUMMARY: The Federal Emergency Management Agency (FEMA) is extending the public comment period for its request for information published April 22, 2021, and will hold two public meetings remotely via web conference to solicit feedback on the request for information. The request for information seeks input from the public on specific FEMA programs, regulations, collections of information, and policies for the agency to consider modifying, streamlining, expanding, or repealing in light of recent Executive orders.

DATES: The comment period for the request for information published at 86 FR 21325 (Apr. 22, 2021) is extended. Written comments may be submitted until 11:59 p.m. Eastern Time (ET) on Wednesday, July 21, 2021.

FEMA will hold meetings on Tuesday, June 15, 2021, from 2 p.m. to 3:30 p.m. ET, and Wednesday, June 16, 2021, from 3:30 p.m. to 5 p.m. ET. The public meeting on June 15 will be for a general audience, and the meeting on June 16 will be focused on issues specific to Indian Tribal governments. Depending on the number of speakers, the meetings may end before the time indicated, following the last call for comments.

ADDRESSES: The public meetings will be held via web conference. Members of the public may register to attend the meetings online at the following links:

For the June 15 meeting: *https://attendee.gotowebinar.com/register/8344630664422138128*.

For the June 16 Tribal meeting: *https://attendee.gotowebinar.com/register/4077004924087852814*.

If you would like to speak at a meeting, please indicate that on the registration form. For the June 16 meeting, FEMA will be prioritizing comments from representatives and members of Indian Tribal governments. If there is time remaining in a meeting after all registered speakers have finished, FEMA will invite comments from others in attendance.

Reasonable accommodations are available for people with disabilities. To request a reasonable accommodation, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible. Last minute requests will be accepted but may not be possible to fulfill.

Written comments on the request for information must be submitted via the Federal eRulemaking Portal at *https://www.regulations.gov*. Search for FEMA–2021–0011–0001 and follow the instructions for submitting comments.

All written comments received, including any personal information provided, may be posted without alteration at *https://www.regulations.gov*. All comments on the request for information made during the meetings will be posted to the rulemaking docket on *https://www.regulations.gov*.

For access to the docket and to read comments received by FEMA, go to *https://www.regulations.gov* and search for Docket ID FEMA–2021–0011.

FOR FURTHER INFORMATION CONTACT: Kristen Shedd, Acting Deputy Chief Counsel, General Law, via email at *FEMA-regulations@fema.dhs.gov* or via phone at (202) 646–4105.

SUPPLEMENTARY INFORMATION: On April 22, 2021, FEMA published a Request for Information on FEMA Programs, Regulations, and Policies.[1] FEMA is seeking public input on specific FEMA programs, regulations, collections of information, and policies for the agency to consider modifying, streamlining, expanding, or repealing in light of recent Executive orders. These efforts aim to help FEMA ensure that its programs, regulations, and policies contain necessary, properly tailored, and up-to-date requirements that effectively achieve FEMA's mission in a manner that furthers the goals of advancing equity for all, including those in underserved communities; bolstering resilience from the impacts of climate change, particularly for those disproportionately impacted by climate change; and environmental justice.

Specifically, FEMA seeks this input pursuant to the processes required by Executive Orders 13985, 13990, and 14008 that require agencies to assess existing programs and policies to determine if: (1) Agency programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups; (2) additional agency actions are required to bolster resilience to climate change; and (3) agency programs, policies, and activities address the disproportionately high and adverse climate-related impacts on disadvantaged communities. Consistent with Executive Order 13563 and Executive Order 13707, FEMA further seeks this input to ensure that it is implementing its programs in a manner that builds disaster readiness and closes national capability gaps through data-driven approaches and risk-informed preparedness and mitigation investments as well as in delivering the Agency's response and recovery mission sets.

The purpose of the request for information is to seek general feedback on FEMA's programs. Individuals cannot apply for FEMA assistance by submitting a comment in the **Federal Register**. If you are an individual who has been impacted by a disaster and you are seeking assistance from FEMA, please visit *https://www.fema.gov/assistance/individual* or call the FEMA Helpline (1–800–621–3362/TTY (800) 462–7585) to apply or receive information on a pending request.

FEMA is holding public meetings and extending the comment period to ensure all interested parties have sufficient opportunity to provide comments on FEMA's programs. FEMA will carefully consider all relevant comments received during the meetings, and during the rest of the comment period. All comments or remarks provided on the request for information during the meeting will be recorded and posted to the rulemaking docket on *https://www.regulations.gov*.

Meeting Agendas

The agenda for both meetings is as follows:

1. (3 min.) Introduction to Technology
2. (10 min.) Welcome Remarks by FEMA Leadership
3. (75 min.) Public Comment
4. (2 min.) Closing Remarks

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–11932 Filed 6–4–21; 8:45 am]

BILLING CODE 9111–19–P

[1] 86 FR 21325. Commenters may reference the Request for Information for a general description of FEMA's programs.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0005; OMB No. 1660–0130]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before July 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Millicent Brown, Sr. Manager, FEMA Office of the Chief Administrative Officer, Information Management Division, at (202) 304–2291 for further information.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on March 19, 2021 at 86 FR 14938 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0130.

Form Titles and Numbers: None.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. 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.

Feedback collected under this generic clearance will provide useful information, but it will 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 non-response 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.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,075,000.

Estimated Number of Responses: 1,075,000.

Estimated Total Annual Burden Hours: 268,783.

Estimated Total Annual Respondent Cost: $10,622,304.

Estimated Respondents' Operation and Maintenance Costs: None.

Estimated Respondents' Capital and Start-Up Costs: None.

Estimated Total Annual Cost to the Federal Government: $2,180,168.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–11839 Filed 6–4–21; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7040–N–08]

60-Day Notice of Proposed Information Collection: Choice Neighborhoods; OMB Control No.: 2577–0269

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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:* August 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: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, (Room 3180), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number). Copies of available documents submitted to OMB may be obtained from Ms. Rogers.

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: Choice Neighborhoods.

OMB Approval Number: 2577–0269.

Type of Request: Revision of currently approved collection.

Form Number: SF–424, SF–424B, SF–424D, SF–LLL, HUD 2880, HUD 53150, HUD 53152, HUD 53232, HUD 53151, HUD 53154, HUD–53156, HUD–53233, HUD–53234, HUD–53238, HUD–53231, HUD–53235, HUD–53237, HUD–53236, HUD–53239, HUD–2530, HUD–2991, HUD–2995, HUD–53421, HUD–53230, HUD–52515, HUD–50163, HUD–50153.

Description of the need for the information and proposed use: The information collection is required to administer the Choice Neighborhoods

program, including applying for funds and grantee reporting.

Respondents (*i.e.,* affected public): Potential applicants and grantees (which would include local governments, tribal entities, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity).

Estimated Number of Respondents: 264 annually.

Estimated Number of Responses: 440 annually.

Frequency of Response: Frequency of response varies depending on what information is being provided (*e.g.,* once per year for applications and four times per year for grantee reporting).

Burden Hours per Response: Burden hours per response varies depending on what information is being provided (*e.g.,* Choice Neighborhoods Implementation grant application: 68.17; Choice Neighborhoods Planning grant application: 35.42; Choice Neighborhoods information collections unrelated to the NOFA, including grantee reporting and program management: 14.58).

Total Estimated Burdens: Total burden hours is estimated to be 4,431. Total burden cost is estimated to be $199,393.

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.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Date: May 20, 2021.

Laura Miller-Pittman,

Chief, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2021–11871 Filed 6–4–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212LLAK941200.L1440000.ET0000;AKAA–95542]

Notice of Application for Withdrawal and Opportunity for Public Meeting for the Mendenhall Glacier Recreation Area, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service (USFS) filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw 4,560 acres of National Forest System land for the Mendenhall Glacier Recreation Area. The USFS requests the withdrawal as the receding Mendenhall Glacier leaves additional lands unprotected by the existing withdrawal created by Public Land Order (PLO) No. 829. This Notice segregates these lands for up to two years from location and entry under United States mining laws and leasing under the mineral leasing laws, subject to valid existing rights. The land will remain open to other uses at the discretion of the Authorized Officer.

DATES: Comments and requests for a public meeting must be received by September 7, 2021.

ADDRESSES: All comments and meeting requests should be mailed to the BLM Alaska State Office, 222 West Seventh Avenue, No. 13, Anchorage, Alaska 99513–7504. The BLM will not consider comments received via telephone calls.

FOR FURTHER INFORMATION CONTACT: Chelsea Kreiner, BLM Alaska State Office, 907–271–4205, email *ckreiner@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 the above individual. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On April 8, 2019, the USFS filed an application for the Secretary of the Interior to withdraw the following National Forest System land from location and entry under the United States mining laws and leasing under the mineral leasing laws, subject to valid existing rights:

Copper River Meridian, Alaska

Tongass National Forest

T. 39 S., Rs. 65 and 66 E., more particularly described as follows:

BEGINNING at Corner No. 2, U.S. Survey No. 1536, Alaska.

THENCE, along the record courses of PLO 829, N 18° 30′ W, a distance of 160 chains;

THENCE, N 55° 00′ E, a distance of 100 chains, to the POINT OF BEGINNING of the Mendenhall Withdrawal;

THENCE, N 26° 00′ E, a distance of 110 chains;

THENCE, N 78° 30′ E, a distance of 260 chains;

THENCE, S 8° 30′ E, a distance of 133 chains;

THENCE, S 33° 00′ W, a distance of 90 chains;

THENCE, S 77° 00′ W, a distance of 101 ± chains, to the boundary of PLO 829;

THENCE, along said boundary on the following courses, N 20° 00′ W, a distance of 24 ± chains;

THENCE, N 45° 00′ W, a distance of 80 chains;

THENCE, West, a distance of 110 chains, to the POINT OF BEGINNING of the Mendenhall Withdrawal, containing 4,560 ± acres.

The use of a rights-of-way, interagency agreement, or cooperative agreement would not provide adequate protection for the existing and planned development over a large area from impacts related to location and development of mining claims or mineral leasing activities.

The land for this withdrawal adjoins PLO 829, dated May 10, 1952, for the Tongass National Forest Mendenhall Lake Scenic and Winter Sports Area. Water is critical to this withdrawal for both recreation and visual purposes. The Mendenhall Glacier and Mendenhall Lake are the focal point and basis for the USFS recreation development and facilities at this site. The USFS is requesting the Secretary to include in the withdrawal area both the glacier and lake which is coming into exposure with the retreating glacier.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the BLM. Records relating to the application may be examined by contacting the BLM Alaska State Office at the address above.

The Notice is hereby given that an opportunity for a public meeting is in connection with this withdrawal. All persons who desire a public meeting for the purpose of being heard on the withdrawal must submit a written request to the BLM Alaska State Director within 90 days from the date of publication of this Notice. Upon determination by the authorized officer that a public meeting will be held, a

notice of the time and place will be published in the **Federal Register** and at least one local newspaper before the scheduled date of the meeting.

Comments, including name and street address of respondents, will be available for public review at the BLM Alaska State Office at the address in the **ADDRESSES** section above during regular business hours, 08:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. For a period of two years from the date of publication of this Notice in the **Federal Register**, the land specified above will be segregated from location and entry under United States mining laws and leasing under the mineral leasing laws, subject to valid existing rights, unless the application is denied or canceled, or the withdrawal is approved prior to that date.

Although the land will be segregated from location and entry under United States mining laws and leasing under the mineral leasing laws, subject to valid existing rights, the land will continue to be managed in accordance with the various acts that govern occupancy and use of National Forest System lands. The authorized officer may, at his or her discretion, permit temporary uses of the land during this period of segregation that do not interfere with the use of the land intended by the USFS.

The withdrawal application will be processed in accordance with the regulations set-forth in 43 CFR part 2300.

Authority: 43 CFR 2310.3–1.

Chad Padgett,

State Director.

[FR Doc. 2021–11791 Filed 6–4–21; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DOI–2020–0010; RR81300000, 212R5065C6, RX.59189825.2008813]

Privacy Act of 1974; System of Records

AGENCY: Bureau of Reclamation, Interior.

ACTION: Rescindment of a system of records notice.

SUMMARY: The Department of the Interior (DOI) is issuing a public notice of its intent to rescind one Bureau of Reclamation (Reclamation) Privacy Act system of records notice, INTERIOR/WBR–45, Equipment, Supply, and Service Contracts. This system was superseded by two Department-wide system of records notices; however, it was never formally rescinded. This rescindment will eliminate an unnecessary duplicate notice and promote the overall streamlining and management of DOI Privacy Act systems of records.

DATES: These changes take effect on June 7, 2021.

ADDRESSES: You may send comments identified by docket number [DOI–2020–0010] by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number [DOI–2020–0010] in the subject line of the message.
- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI–2020–0010]. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

You should be aware your entire comment including your personal identifying information, such as your address, phone number, email address, or any other personal identifying information in your comment, may be made publicly available at any time. While you may request to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Regina Magno, Associate Privacy Officer, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225, *privacy@usbr.gov* or (303) 445–3326.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, Reclamation is rescinding the system of records notice, INTERIOR/WBR–45, Equipment, Supply, and Service Contracts, from its inventory. This system was used for the administration of contracts for equipment, supplies, materials, and services. During a review of Reclamation's system of records notices, it was determined that this system is no longer needed since the records are covered by published Department-wide system of records notices, INTERIOR/DOI–86, Accounts Receivable: FBMS, 73 FR 43772 (July 28, 2008), and INTERIOR/DOI–87, Acquisition of Goods and Services: FBMS, 73 FR 43766 (July 28, 2008). Therefore, Reclamation is rescinding this system of records notice to avoid duplication of existing system of records notices in accordance with the Office of Management and Budget Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.*

Rescinding the INTERIOR/WBR–45 notice will have no adverse impacts on individuals as the records are covered by and maintained under existing published DOI system of records notices. This rescindment will promote the overall streamlining and management of DOI Privacy Act systems of records. This notice hereby rescinds the INTERIOR/WBR–45, Equipment, Supply, and Service Contracts, system of records notice as identified below.

SYSTEM NAME AND NUMBER:

INTERIOR/WBR–45, Equipment, Supply, and Service Contracts.

HISTORY:

INTERIOR/WBR–45, Equipment, Supply, and Service Contracts, 64 FR 43714 (August 11, 1999); modification published at 73 FR 20949 (April 17, 2008).

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2021–11805 Filed 6–4–21; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–437 and 731–TA–1060–1061 (Third Review)]

Carbazole Violet Pigment 23 From China and India

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing duty order on carbazole violet pigment 23 from India and the antidumping duty orders on carbazole violet pigment 23 from China and India would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on October 1, 2020 (85 FR 61977), and determined on January 4, 2021, that it would conduct expedited reviews (86 FR 24414, May 6, 2021).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on June 1, 2021. The views of the Commission are contained in USITC Publication 5201 (June 2021), entitled *Carbazole Violet Pigment 23 from China and India: Investigation Nos. 701–TA–437 and 731–TA–1060–1061 (Third Review).*

By order of the Commission.

Issued: June 1, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–11795 Filed 6–4–21; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Networking Devices, Computers, and Components Thereof, DN 3550;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Proven Networks, LLC on June 1, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain networking devices, computers, and components thereof. The complainant names as respondents: Arista Networks, Inc. of Santa Clara, CA; Aruba Networks, Inc. of Palo Alto, CA; Cisco Systems, Inc. of San Jose, CA; Dell Technologies Inc. of Round Rock, TX; F5 Networks, Inc. of Seattle, WA; Juniper Networks, Inc. of Sunnyvale, CA; and Palo Alto Networks, Inc. of Santa Clara, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation 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 requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial 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 requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3550'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing

Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 1, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–11816 Filed 6–4–21; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–149 (Fifth Review)]

Barium Chloride From China

Determinations

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on barium chloride from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on October 1, 2020 (85 FR 61984) and determined on January 4, 2021 that it would conduct an expedited review (86 FR 24412, May 6, 2021).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination for this review on June 1, 2021. The views of the Commission are contained in USITC Publication 5203 (June 2021), entitled *Barium Chloride from China: Investigation No. 731–TA–149 (Fifth Review).*

By order of the Commission.

Issued: June 1, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–11794 Filed 6–4–21; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Longitudinal Survey of Youth 1997

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The National Longitudinal Survey of Youth 1997 (NLSY97) is a nationally representative sample of persons who were born in the years 1980 to 1984. These respondents were ages 12–17 when the first round of annual interviews began in 1997. The primary objective of the survey is to study the transition from schooling to the establishment of careers and families. Starting with round sixteen, the NLSY97 is conducted on a biennial basis. Round twenty interviews will occur from September 2021 to June 2022. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 28, 2021 (86 FR 7421).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not

display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: National Longitudinal Survey of Youth 1997.

OMB Control Number: 1220–0157.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 6,650.

Total Estimated Number of Responses: 6,783.

Total Estimated Annual Time Burden: 8,321 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 27, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–11811 Filed 6–4–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consumer Expenditure Surveys: Quarterly Interview and Diary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Consumer Expenditure (CE) Surveys collect data on consumer expenditures, demographic information, and related data needed by the Consumer Price Index (CPI) and other public and private data users. The continuing surveys provide a constant measurement of changes in consumer expenditure patterns for economic analysis and to obtain data for future CPI revisions. The CE Surveys have been ongoing since 1979. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 11, 2021 (86 FR 9086).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Consumer Expenditure Surveys: Quarterly Interview and Diary.

OMB Control Number: 1220–0050.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 14,291.

Total Estimated Number of Responses: 58,880.

Total Estimated Annual Time Burden: 48,639 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 27, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–11807 Filed 6–4–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Testing, Evaluation, and Approval of Mining Products

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of

automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA regulations at 30 CFR parts 6 through 36 contain application, testing and inspection procedures, and quality control procedures for the approval of mining equipment or explosives used in both underground and surface coal, metal, and nonmetal mines. Except for parts 6 and 7, MSHA conducts most of the testing and evaluation of products for a fee paid by the applicant; although some regulations require the manufacturer to pretest the product. Upon MSHA approval, the manufacturer must ensure that the product continues to conform to the specifications and design evaluated and approved by MSHA. In some instances, as part of the approval process, manufacturers are required to have a quality control or assurance plan. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 7, 2020 (85 FR 78872).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Testing, Evaluation, And Approval of Mining Products.

OMB Control Number: 1219–0066.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 92.

Total Estimated Number of Responses: 315.

Total Estimated Annual Time Burden: 3,424 hours.

Total Estimated Annual Other Costs Burden: $2,938,557.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

PRA Senior Analyst.

[FR Doc. 2021–11808 Filed 6–4–21; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Requirements Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Occupational Requirements Survey (ORS) is a nationwide survey that the Bureau of Labor Statistics (BLS) is conducting at the request of the Social Security Administration (SSA). Three years of data collection and capture for the ORS will start in 2021 and end in mid-2024. Estimates produced from the data collected by the ORS will be used by the SSA to update occupational requirements data for administering the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 28, 2021 (86 FR 7422).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Occupational Requirements Survey.

OMB Control Number: 1220–0189.

Affected Public: State, Local, and Tribal Governments; Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 9,601.

Total Estimated Number of Responses: 9,601.

Total Estimated Annual Time Burden: 12,268 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 27, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–11809 Filed 6–4–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement, CA–1032

AGENCY: Division of Federal Employees', Longshore and Harbor Workers' Compensation—FECA, Office of the Workers' Compensation Programs, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a revision for the authority to conduct the information collection request (ICR) titled, ''[Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement, CA–1032].'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 6, 2021.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, and 200 Constitution Avenue NW, Washington, DC 20210; by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The OWCP uses this collection to obtain information from a Federal Employees' Compensation Act (FECA) claimant receiving workers' compensation benefits over an extended period. The OWCP uses the response to determine whether the claimant is entitled to continue receiving benefits and whether the benefit amount should be adjusted. The collection is necessary to help verify that the beneficiary receives the correct compensation. Information requested on the CA–1032 is obtained from each claimant receiving continuing compensation on the periodic disability roll. The form requests information on the claimant's earnings, dependents, third party settlements, and other Federal benefits received. Questions in the form in Part D (2) Other Benefits or Payments pertaining to Social Security Benefits were slightly revised for better clarity for the respondent.

The FECA authorizes this information collection. *See* 5 U.S.C. 8124 and 8149. This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB under the PRA approves it and displays a currently valid OMB Control Number. The current information collection expires November 30, 2023. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention [1240–0016].

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including 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.

Agency: DOL—Office of Workers' Compensation Programs.

Type of Review: [Revision].

Title of Collection: [Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement].

Form: [CA–1032].

OMB Control Number: [1240–0016].

Affected Public: [Individual or Household].

Estimated Number of Respondents: [37,056].

Frequency: [Annually].

Total Estimated Annual Responses: [37,056].

Estimated Average Time per Response: [20 minutes].

Estimated Total Annual Burden Hours: [12,352] hours.

Total Estimated Annual Other Cost Burden: $[294,472]

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2021–11815 Filed 6–4–21; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: [21–033]]

Name of Information Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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.

DATES: Comments are due by July 7, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Claire Little, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546 or email *claire.a.little@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield 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.

II. Methods of Collection

The Agency will only submit a collection for approval under this generic clearance if it meets 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 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;

Information gathered will only be used internally for general service improvement and program management purposes and is not intended for release outside of the Agency;

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 this generic clearance 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 non-response 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.

III. Data

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 2700–0153.

Type of Review: Extension of approval for a collection of information.

Affected Public: Federal Government; Individuals and Households; Businesses and Organization; State, Local, or Tribal Government.

Estimated Annual Number of Activities: 40.

Estimated Number of Respondents per Activity: 2,000.

Annual Responses: 80,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 6,667.

Estimated Total Annual Cost: $200,000.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA'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.

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.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2021–11793 Filed 6–4–21; 8:45 am]

BILLING CODE 7510–13–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2 p.m., Thursday, June 17, 2021.

PLACE: Via Conference Call.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Annual Board of Directors meeting.

The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552 (b)(2) and (4) permit closure of the following portion(s) of this meeting:

- Executive Session

Agenda

I. Call to Order
II. Executive Session Discussion with General Counsel and Chief Audit Executive
III. Executive Session Executive Compensation Review
IV. Executive Session: Report from CEO
V. Executive Session: Report from CFO
VI. NeighborWorks Compass™ Update
VII. Action Item Approval of Minutes
VIII. Action Item Board Elections and Appointments
IX. Action Item Revision of Bylaws for Creation of the Chief Information Officer Position
X. Action Item Management Elections
XI. Action Item Grants to the Capital Corporations
XII. Action Item HPN Launchpad Contract Extension
XIII. Action Item LIFT 8.0
XIV. Discussion Item Annual Ethics Review
XV. Discussion Item Annual Review of Governance Operations Guide
XVI. Discussion Item Investment Policy Review
XVII. Management Program Background and Updates
XVIII. Adjournment

Portions Open to the Public: Everything except the Executive Session.

Portions Closed to the Public: Executive Session.

CONTACT PERSON FOR MORE INFORMATION: Lakeyia Thompson, Special Assistant, (202) 524–9940; *Lthompson@nw.org.*

Lakeyia Thompson,

Special Assistant.

[FR Doc. 2021–12020 Filed 6–3–21; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 7, 14, 21, 28, July 5, 12, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of June 7, 2021

Tuesday, June 8, 2021

10 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 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.

Week of June 21, 2021—Tentative

Tuesday, June 22, 2021

9 a.m. Briefing on Transformation at the NRC—Midyear Review (Public Meeting); (Contact: Maria Arribas-Colon: 301–415–6026)

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 28, 2021—Tentative

There are no meetings scheduled for the week of June 28, 2021.

Week of July 5, 2021—Tentative

There are no meetings scheduled for the week of July 5, 2021.

Week of July 12, 2021—Tentative

There are no meetings scheduled for the week of July 12, 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: June 3, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92082; File No. SR–PEARL–2021–25]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 531, Reports and Market Data Products, To Adopt the Liquidity Taker Event Report for Options Trading

June 1, 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 May 19, 2021, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to provide for the new ''Liquidity Taker Event Report''.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

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 Exchange Rule 531(a) to provide for the new ''Liquidity Taker Event Report'' (the ''Report''). The proposed Report is identical to that previously adopted by the Exchange's affiliate, MIAX Emerald, LLC (''MIAX Emerald''), and approved by the Securities and Exchange Commission (''Commission'').[3] The proposed Report would only be available for options trading on the Exchange.

The Report is an optional product[4] available to Members.[5] Currently, the Exchange provides real-time prices and analytics in the marketplace. The Exchange believes the additional data points from the matching engine outlined below may help Members gain a better understanding about their interactions with the Exchange. The Exchange believes the Report will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates. The proposed Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange. None of the components of the proposed Report include real-time market data.

Members generally would use a liquidity accessing order if there is a high probability that it will execute against an order resting on the Exchange's Book.[6] The proposed Report would identify by how much time an order that may have been marketable missed an execution. The proposed Report will provide greater visibility into the missed trading execution, which will allow Members to optimize their models and trading patterns to yield better execution results.

The proposed Report will be a Member-specific report and will help Members to better understand by how much time a particular order missed executing against a specific resting order, thus allowing that Member to determine whether it wants to invest in the necessary resources and technology to mitigate missed executions against certain resting orders on the Exchange's Book. For example, Member A submits an order that is posted to the Book and then Member B enters a marketable order to execute against Member A's resting order. Immediately thereafter, Member C sends a marketable order to execute against Member A's resting Order. Because Member B's order is received by the Exchange before Member C's order, Member B's order executes against Member A's resting order. The proposed Report would provide Member C the data points necessary for that firm to calculate by how much time they missed executing against Member A's resting order. The Exchange proposes to provide the Report on a T+1 basis. As further described below, the Report will be specific and tailored to the Member that is subscribed to the Report and any data included in the Report that relates to a Member other than the Member receiving the Report will be anonymized.

The Exchange proposes to provide the Report in response to Member demand for data concerning the timeliness of their incoming orders and executions against resting orders. Members have periodically requested from the Exchange's trading operations personnel information concerning the timeliness of their incoming orders and efficacy of their attempts to execute against resting liquidity on the Exchange's Book. The purpose of the Report is to provide Members the necessary data in a standardized format on a T+1 basis to those that subscribe to the Report on an equal basis.

Proposed Exchange Rule 531(a) would provide that the Report is a daily report that provides a Member (''Recipient Member'') with its liquidity response time details for executions of an order resting on the Book, where that Recipient Member attempted to execute against such resting order within a certain timeframe.

Report Content

Paragraph (a)(1) of Rule 531 would describe the content of the Report and delineate which information would be provided regarding the resting order,[7] the response that successfully executed against the resting order, and the response submitted by the Recipient Member that missed executing against the resting order. It is important to note that the content of the Report will be specific to the Recipient Member and the Report will not include any information related to any Member other than the Recipient Member. The Exchange will restrict all other market participants, including the Recipient Member, from receiving another market participant's data.

Resting Order Information. Rule 531(a)(1)(i) would provide that the following information would be included in the Report regarding the resting order: (A) The time the resting order was received by the Exchange;[8] (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate[9] of the Member

[3] *See* Securities Exchange Act Release No. 91787 (May 6, 2021), 85 FR 26111 (May 12, 2021) (SR–EMERALD–2021–09) (Order Approving Proposed Rule Change to Adopt Exchange Rule 531(a), Reports, to Provide for a New ''Liquidity Taker Event Report'').

[4] The Exchange intends to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Liquidity Taker Event Report.

[5] 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.

[6] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100. The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See id.*

[7] Only displayed orders will be included in the Report. The Exchange notes that it does not currently offer any non-displayed orders types on its options trading platform.

[8] The time the Exchange received the resting order would be in nanoseconds and is the time the resting order was received by the Exchange's System.

[9] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

that entered the resting order;[10] (E) origin type (*e.g.,* Priority Customer,[11] Market Maker[12]); (F) side (buy or sell); and (G) displayed price and size of the resting order.[13]

Execution Information. Rule 531(a)(1)(ii) would provide that the following information would be included in the Report regarding the execution of the resting order: (A) The PBBO[14] at the time of execution;[15] (B) the ABBO[16] at the time of execution;[17] (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response;[18] (D) the time difference between the time the resting order was received by the Exchange and the time the first response that executes against the resting order was received by the Exchange;[19] and (E) whether the response was entered by the Recipient Member. If the resting order executes against multiple contra-side responses, only the PBBO and ABBO at the time of the execution against the first response will be included.

Recipient Member's Response Information. Rule 531(a)(1)(iii) would provide that the following information would be included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not;[20] (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

Timeframe for Data Included in Report

Paragraph (a)(2) of Rule 531 would provide that the Report would include the data set forth under Rule 531(a)(1) described above for executions and contra-side responses that occurred within 200 microseconds of the time the resting order was received by the Exchange.

Scope of Data Included in the Report

Paragraph (a)(3) of Rule 531 would provide that the Report will only include trading data related to the Recipient Member and, subject to the proposed paragraph (4) of Rule 531(a) described below, will not include any other Member's trading data other than that listed in paragraphs (1)(i) and (ii) of Exchange Rule 531(a) described above.

Historical Data

Paragraph (a)(4) of Rule 531 would specify that the Report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Report to those interested in subscribing to receive the data. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed Report is also identical to a report previously adopted by the Exchange's affiliate, MIAX Emerald, and approved by the Commission.[24] Therefore, the proposed rule change does not present any new or novel issues not previously considered by the Commission.

The Exchange believes the proposed Report will serve to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest because it will benefit investors by facilitating their prompt access to the value added information that is included in the proposed Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The proposed Report is designed for Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange's Book by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book. The Exchange believes that providing this optional latency data to interested Members is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides

[10] The Report will simply indicate whether the Recipient Member is an Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

[11] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 to Exchange Rule 100. *See* Exchange Rule 100.

[12] The term ''Market Maker'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[13] The Exchange notes that the displayed price and size are also disseminated via the Exchange's proprietary data feeds and the Options Price Reporting Authority (''OPRA''). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

[14] The term ''PBBO'' means the best bid or offer on the Exchange. *See* Exchange Rule 100.

[15] Exchange Rule 531(a)(1)(ii)(A) would further provide that if the resting order executes against multiple contra-side responses, only the PBBO at the time of the execution against the first response will be included.

[16] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[17] Exchange Rule 531(a)(1)(ii)(B) would further provide that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

[18] The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange's network, which is before the time the response would be received by the System.

[19] The time difference would be provided in nanoseconds.

[20] For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member's response(s) is received by the Exchange's network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

[24] *See supra* note 3.

greater visibility into the latency of Members' incoming orders. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

As discussed above, the Exchange currently fields ad hoc requests from Members for information regarding the timeliness of their attempts to execute against resting options liquidity on the Exchange's Book. The proposal is designed to offer this type of latency information in a systematized way and standardized format to any Member that chooses to subscribe to the Report. As a result, the proposal will make latency information for liquidity-seeking orders available in a more equalized manner and will increase transparency, particularly for Recipient Members that may not have the expertise to generate the same information on their own. The proposed Report may better enable Recipient Members to increase the fill rates for their liquidity-seeking orders. At the same time, as is also discussed above, the Report is designed to prevent a Recipient Member from learning other Members' sensitive trading information. The Report would not be a real-time market data product, as it would provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the Report regarding incoming orders that failed to execute would be specific to the Recipient Member's orders, and other information in the proposed Report regarding resting orders and executions would be anonymized if it relates to a Member other than the Recipient Member.

The Report generally contains three buckets of information. The first two buckets include information about the resting order and the execution of the resting order. This information is generally available from other public sources, such as OPRA and the Exchange's proprietary data feeds, or is similar to information included in a report offered by another exchange. For example, OPRA provides bids, offers, and consolidated last sale and quotation information for options trading on all national securities exchanges, including the Exchange. In addition, the Exchange offers the Top of Market (''ToM'') feed which provides real-time quote and last sale information for all displayed orders on the Book.[25]

Specifically, the first bucket of information contained in the Report for the resting order includes the time the resting order was received by the Exchange, the symbol, unique reference number assigned at the time of receipt, side (buy or sell), and the displayed price and size of the resting order. Further, the symbol, origin type, side (buy or sell), and displayed price and size are also available either via OPRA or the Exchange's proprietary data feeds. The first bucket of information also indicates whether the Recipient Member is an Affiliate of the Member that entered the resting order. This data field will not indicate the identity of the Member that entered the resting order and would simply allow the Recipient Member to better understand the scenarios in which it may execute against the orders of its Affiliates.[26]

The second bucket of information contained in the Report regards the execution of the resting order and includes the PBBO and ABBO at the time of execution. These data points are also available either via OPRA or the Exchange's proprietary data feeds. The second bucket of information will also indicate whether the response was entered by the Recipient Member. This data point is simply provided as a convenience. If not entered by the Recipient Member, this data point will be left blank so as not to include any identifying information about other Member activity. The second bucket of information also includes the size, time and type of first response that executes against the resting order; as well as the time difference between the time the resting order and first response that executes against the resting order are received by the Exchange. These data points would assist the Recipient Member in analyzing by how much time their order may have missed an execution against a contra-side order resting on the Book.

The third bucket of information is about the Recipient Member's response(s) and the time their response(s) is received by the Exchange. This includes the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not. As above, this data point would assist the Recipient Member in analyzing by how much time their order may have missed an execution against a contra-side order resting on the Book. This bucket would also include the size and type of each response submitted by the Recipient Member, the Recipient Member identifier, and a response reference number which is selected by the Recipient Member. Each of these data points are unique to the Recipient Member and should already be known by Recipient Member even if not included in the Report.

The Exchange proposes to provide the Report on a voluntary basis and no Member will be required to subscribe to the Report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Member elect to receive, the Report. It is entirely a business decision of each Member to subscribe to the Report. The Exchange proposes to offer the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

In summary, the proposed Report will help to protect a free and open market by providing additional data (offered on an optional basis) to the marketplace and by providing investors with greater choices.[27] Additionally, the proposal would not permit unfair discrimination because the proposed Report will be available to all Exchange Members.

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, as amended. The Exchange believes that the proposed Report will enhance competition[28] by providing a new option for receiving market data to Members. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include a report similar to that currently offered by the NASDAQ Stock Market LLC (''NASDAQ'').[29]

In this instance, the proposed rule change to offer the optional Report is in response to Member interest and requests for such information. The Exchange does not believe the proposed Report will have an inappropriate

[25] *See* Section 6)a) of the Exchange's fee schedule.

[26] The Exchange's surveils to monitor for abhorrent behavior related to internalized trades and identify potential wash sales.

[27] *See* Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

[28] *Id.*

[29] *See* NASDAQ Equity Section 7, Rule 146(a)(2).

burden on intra-market competition between Recipient Members and other Members who do not receive the Report. As discussed above, the first two buckets of information included in the Report contain information about the resting order and the execution of the resting order, both of which are generally available to Members that choose not to receive the Report from other public sources, such as OPRA and the Exchange's proprietary data feeds. The third bucket of information is about the Recipient Member's response and the time their response is received by the Exchange, information which the Recipient Member would be able to obtain without receiving the Report. Additionally, some Members may already be able to derive a substantial amount of the same data that is provided by some of the components based on their own executions and algorithms.

In sum, if the proposed Report is unattractive to Members, Members will opt not to receive it. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [30] and Rule 19b–4(f)(6) thereunder.[31] Because the 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, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [32] and Rule 19b–4(f)(6) thereunder.[33]

A proposed rule change filed under Rule 19b–4(f)(6) [34] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[35] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange states that it is prepared to begin offering the Report upon the effectiveness of this proposed rule change. The Exchange also argues that waiver of the operative delay would allow the Exchange to provide a product offering identical to that of its affiliate, MIAX Emerald, as soon as practicable, which in turn would reduce potential confusion in the near term about whether the Exchange is offering the same report as its affiliate offers currently. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[36]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2021–25 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2021–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–25, and should be submitted on or before June 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–11798 Filed 6–4–21; 8:45 am]

BILLING CODE 8011–01–P

[30] 15 U.S.C. 78s(b)(3)(A)(iii).

[31] 17 CFR 240.19b–4(f)(6).

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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.

[34] 17 CFR 240.19b–4(f)(6).

[35] 17 CFR 240.19b–4(f)(6)(iii).

[36] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[37] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m. on Thursday, June 10, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: June 3, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–11949 Filed 6–3–21; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92078; File No. SR–CBOE–2021–035]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Silexx Trading Platform Fees Schedule

June 1, 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 May 21, 2021, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend the Silexx trading platform (''Silexx'' or the ''platform'') Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Silexx Fees Schedule to amend the ''CAT File'' fee.[3]

By way of background, the Silexx platform consists of a ''front-end'' order entry and management trading platform (also referred to as the ''Silexx terminal'') for listed stocks and options that supports both simple and complex orders,[4] and a ''back-end'' platform which provides a connection to the infrastructure network. From the Silexx platform (*i.e.,* the collective front-end and back-end platform), a Silexx user has the capability to send option orders to U.S. options exchanges, send stock orders to U.S. stock exchanges (and other trading centers), input parameters to control the size, timing, and other variables of their trades, and also includes access to real-time options and stock market data, as well as access to certain historical data. The Silexx platform is designed so that a user may enter orders into the platform to send to an executing broker (including Trading Permit Holders (''TPHs'')) of its choice with connectivity to the platform, which broker will then send the orders to Cboe Options (if the broker is a TPH) or other U.S. exchanges (and trading centers) in accordance with the user's instructions. With the exception of Silexx FLEX and Cboe Silexx, users cannot directly route orders through any of the current versions of Silexx to an exchange or trading center nor is the platform integrated into, or directly connected to, Cboe Options' System. The Exchange has more recently made available additional versions of the Silexx platform, Silexx FLEX and Cboe Silexx, which do support the trading of FLEX and non-FLEX Options, respectively, and allows authorized Users with direct access to the Exchange. The Silexx front-end and back-end platforms are a software application that are installed locally on a user's desktop. Silexx grants users licenses to use the platform, and a firm or individual does not need to be

[3] The Exchange initially filed the proposed fee changes [sic] May 1, 2021 (SR–CBOE–2021–032). On May 12, 2021, the Exchange withdrew that filing and SR–CBOE–2021–033. On May 21, 2021, the Exchange withdrew that filing and submitting [sic] this filing.

[4] The platform also permits users to submit orders for commodity futures, commodity options and other non-security products to be sent to designated contract markets, futures commission merchants, introducing brokers or other applicable destinations of the users' choice.

a TPH to license the platform. Use of Silexx is completely optional.

The Exchange recently adopted a fee for CAT Files.[5] Particularly, Silexx makes Consolidated Audit Trail (''CAT'')-formatted files available to Silexx users for orders processed by the user via Silexx applications. Users may also elect to have Silexx, which is a CAT Reporter Agent, submit these files to CAT on their behalf. The Exchange assesses a monthly fee of $250 per CAT Industry Member ID (''IMID''),[6] payable by the trading firm, for CAT Files. The Exchange however currently waives the CAT Files fee for Silexx FLEX and Cboe Silexx. The Exchange now wishes to eliminate the current CAT Files fee waiver and assess the monthly $250 fee to all Silexx users, including Silexx FLEX and Cboe Silexx users. The Exchange proposes to also provide that the CAT Files fee will be assessed per trading firm, instead of per IMID.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange believes eliminating the current CAT File fee waiver for Silexx FLEX and Cboe Silexx users is reasonable as the Exchange believes the CAT File fee is substantially lower than the cost assessed by third-party vendors for similar CAT files and is the same rate for other similar reports (*i.e.,* Equity Order Reports). The Exchange notes it is not changing the amount of the CAT File fee, but rather eliminating the current waiver for Silexx FLEX and Cboe Silexx users. The Exchange believes the elimination of the waiver is reasonable, equitable and not unfairly discriminatory because all users who elect to receive CAT Files will now be subject to the same monthly fee. Additionally, the Exchange originally adopted the CAT Files fee waiver for Silexx FLEX and Cboe Silexx as such platforms at the time were still relatively new and the Exchange wished to incentivize their use to market participants.[10] The Exchange notes that both platforms have now been available to market participants for over a year and therefore the Exchange no longer believes it's necessary to continue to provide market participants this particular incentive. The Exchange also believes it's reasonable, equitable and not unfairly discriminatory to assess the CAT File fee per trading firm instead of IMID. Particularly, the Exchange notes it's reasonable as trading firms with more than one IMID would be subject to less fees for CAT Files.[11] Moreover, charging on a per trading firm basis is consistent with how the Exchange assesses fees for other similar reports (*i.e.,* Equity Order Reports). Additionally, the proposed change applies to all users that elect to receive CAT Files. The proposal is equitable and not unfairly discriminatory as it applies to all users of Silexx FLEX and Cboe Silexx uniformly. Finally, the Exchange notes receipt of the CAT Files is completely voluntary and not compulsory. Indeed, all users of Silexx are able to extract the necessary data from Silexx to create a CAT report themselves to comply with their reporting obligations even if they choose not to purchase the optional CAT Files.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will not impose any burden on intramarket competition because the proposed rule changes apply to all similarly situated users of Silexx uniformly. The Exchange notes that CAT Files are available to all Silexx users, and users have discretion to determine which, if any, types of reports to purchase.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change applies only to Cboe Options and to the ability to receive certain reports from an Exchange system. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and paragraph (f) of Rule 19b–4[13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[5] *See* Securities Exchange Release No. 89285 (July 10, 2020) 85 FR 43284 (July 16, 2020) (SR–CBOE–2020–062).

[6] CAT uses the IMID to determine the firm for which data is submitted and to facilitate event linkages within a firm and between venues.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

[10] *See* Securities Exchange Release No. 89285 (July 10, 2020) 85 FR 43284 (July 16, 2020) (SR–CBOE–2020–062).

[11] For example, if a trading firm has 2 IMIDs, that trading firm will only be assessed $250 per month, as proposed, as compared to $500 per month under the current methodology (2 × $250).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2021–035 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–035. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–035 and should be submitted on or before June 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–11796 Filed 6–4–21; 8:45 am]

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[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92081; File No. SR–MIAX–2021–21]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 531, Reports and Market Data Products, To Adopt the Liquidity Taker Event Report

June 1, 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 May 19, 2021, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''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 is filing a proposal to amend Exchange Rule 531(a) to provide for the new ''Liquidity Taker Event Report''.

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.

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 Exchange Rule 531(a) to provide for the new ''Liquidity Taker Event Report'' (the ''Report''). The proposed Report is identical to that previously adopted by the Exchange's affiliate, MIAX Emerald, LLC (''MIAX Emerald''), and approved by the Securities and Exchange Commission (''Commission'').[3]

The Report is an optional product[4] available to Members.[5] Currently, the Exchange provides real-time prices and analytics in the marketplace. The Exchange believes the additional data points from the matching engine outlined below may help Members gain a better understanding about their interactions with the Exchange. The Exchange believes the Report will provide Members with an opportunity to learn more about better opportunities to access liquidity and receive better execution rates. The proposed Report will increase transparency and democratize information so that all firms that subscribe to the Report have access to the same information on an equal basis, even for firms that do not have the appropriate resources to generate a similar report regarding interactions with the Exchange. None of the components of the proposed Report include real-time market data.

Members generally would use a liquidity accessing order if there is a high probability that it will execute against an order resting on the Exchange's Book.[6] The proposed Report would identify by how much time an order that may have been marketable missed an execution. The proposed Report will provide greater visibility into the missed trading execution, which will allow Members to optimize

[3] *See* Securities Exchange Act Release No. 91787 (May 6, 2021), 85 FR 26111 (May 12, 2021) (SR–EMERALD–2021–09) (Order Approving Proposed Rule Change to Adopt Exchange Rule 531(a), Reports, to Provide for a New ''Liquidity Taker Event Report'').

[4] The Exchange intends to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Liquidity Taker Event Report.

[5] 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.

[6] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100. The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See id.*

their models and trading patterns to yield better execution results.

The proposed Report will be a Member-specific report and will help Members to better understand by how much time a particular order missed executing against a specific resting order, thus allowing that Member to determine whether it wants to invest in the necessary resources and technology to mitigate missed executions against certain resting orders on the Exchange's Book. For example, Member A submits an order that is posted to the Book and then Member B enters a marketable order to execute against Member A's resting order. Immediately thereafter, Member C sends a marketable order to execute against Member A's resting Order. Because Member B's order is received by the Exchange before Member C's order, Member B's order executes against Member A's resting order. The proposed Report would provide Member C the data points necessary for that firm to calculate by how much time they missed executing against Member A's resting order. The Exchange proposes to provide the Report on a T+1 basis. As further described below, the Report will be specific and tailored to the Member that is subscribed to the Report and any data included in the Report that relates to a Member other than the Member receiving the Report will be anonymized.

The Exchange proposes to provide the Report in response to Member demand for data concerning the timeliness of their incoming orders and executions against resting orders. Members have periodically requested from the Exchange's trading operations personnel information concerning the timeliness of their incoming orders and efficacy of their attempts to execute against resting liquidity on the Exchange's Book. The purpose of the Report is to provide Members the necessary data in a standardized format on a T+1 basis to those that subscribe to the Report on an equal basis.

Proposed Exchange Rule 531(a) would provide that the Report is a daily report that provides a Member (''Recipient Member'') with its liquidity response time details for executions of an order resting on the Book, where that Recipient Member attempted to execute against such resting order within a certain timeframe.

Report Content

Paragraph (a)(1) of Rule 531 would describe the content of the Report and delineate which information would be provided regarding the resting order,[7] the response that successfully executed against the resting order, and the response submitted by the Recipient Member that missed executing against the resting order. It is important to note that the content of the Report will be specific to the Recipient Member and the Report will not include any information related to any Member other than the Recipient Member. The Exchange will restrict all other market participants, including the Recipient Member, from receiving another market participant's data.

Resting Order Information. Rule 531(a)(1)(i) would provide that the following information would be included in the Report regarding the resting order: (A) The time the resting order was received by the Exchange; [8] (B) symbol; (C) order reference number, which is a unique reference number assigned to a new order at the time of receipt; (D) whether the Recipient Member is an Affiliate [9] of the Member that entered the resting order; [10] (E) origin type (*e.g.,* Priority Customer,[11] Market Maker [12]); (F) side (buy or sell); and (G) displayed price and size of the resting order.[13]

Execution Information. Rule 531(a)(1)(ii) would provide that the following information would be included in the Report regarding the execution of the resting order: (A) the MBBO [14] at the time of execution; [15] (B) the ABBO [16] at the time of execution; [17] (C) the time first response that executes against the resting order was received by the Exchange and the size of the execution and type of the response; [18] (D) the time difference between the time the resting order was received by the Exchange and the time the first response that executes against the resting order was received by the Exchange; [19] and (E) whether the response was entered by the Recipient Member. If the resting order executes against multiple contra-side responses, only the MBBO and ABBO at the time of the execution against the first response will be included.

Recipient Member's Response Information. Rule 531(a)(1)(iii) would provide that the following information would be included in the Report regarding response(s) sent by the Recipient Member: (A) Recipient Member identifier; (B) the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not; [20] (C) size and type of each response submitted by Recipient Member; and (D) response reference number, which is a unique reference number attached to the response by the Recipient Member.

Timeframe for Data Included in Report

Paragraph (a)(2) of Rule 531 would provide that the Report would include the data set forth under Rule 531(a)(1)

[7] Only displayed orders will be included in the Report. The Exchange notes that it does not currently offer any non-displayed orders types on its options trading platform.

[8] The time the Exchange received the resting order would be in nanoseconds and is the time the resting order was received by the Exchange's System.

[9] The term ''affiliate'' of or person ''affiliated with'' another person means a person who, directly, or indirectly, controls, is controlled by, or is under common control with, such other person. *See* Exchange Rule 100.

[10] The Report will simply indicate whether the Recipient Member is an Affiliate of the Member that entered the resting order and not include any other information that may indicate the identity of the Member that entered the resting order.

[11] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 to Exchange Rule 100. *See* Exchange Rule 100.

[12] The term ''Market Maker'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[13] The Exchange notes that the displayed price and size are also disseminated via the Exchange's proprietary data feeds and the Options Price Reporting Authority (''OPRA''). The Exchange also notes that the displayed price of the resting order may be different than the ultimate execution price. This may occur when a resting order is displayed and ranked at different prices upon entry to avoid a locked or crossed market.

[14] The term ''MBBO'' means the best bid or offer on the Exchange. *See* Exchange Rule 100.

[15] Exchange Rule 531(a)(1)(ii)(A) would further provide that if the resting order executes against multiple contra-side responses, only the EBBO [sic] at the time of the execution against the first response will be included.

[16] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[17] Exchange Rule 531(a)(1)(ii)(B) would further provide that if the resting order executes against multiple contra-side responses, only the ABBO at the time of the execution against the first response will be included.

[18] The time the Exchange received the response order would be in nanoseconds and would be the time the response was received by the Exchange's network, which is before the time the response would be received by the System.

[19] The time difference would be provided in nanoseconds.

[20] For purposes of calculating this duration of time, the Exchange will use the time the resting order and the Recipient Member's response(s) is received by the Exchange's network, both of which would be before the order and response(s) would be received by the System. This time difference would be provided in nanoseconds.

described above for executions and contra-side responses that occurred within 200 microseconds of the time the resting order was received by the Exchange.

Scope of Data Included in the Report

Paragraph (a)(3) of Rule 531 would provide that the Report will only include trading data related to the Recipient Member and, subject to the proposed paragraph (4) of Rule 531(a) described below, will not include any other Member's trading data other than that listed in paragraphs (1)(i) and (ii) of Exchange Rule 531(a) described above.

Historical Data

Paragraph (a)(4) of Rule 531 would specify that the Report will contain historical data from the prior trading day and will be available after the end of the trading day, generally on a T+1 basis.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. This proposal is in keeping with those principles in that it promotes increased transparency through the dissemination of the optional Report to those interested in subscribing to receive the data. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed Report is also identical to a report previously adopted by the Exchange's affiliate, MIAX Emerald, and approved by the Commission.[24] Therefore, the proposed rule change does not present any new or novel issues not previously considered by the Commission.

The Exchange believes the proposed Report will serve to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest because it will benefit investors by facilitating their prompt access to the value added information that is included in the proposed Report. The Report will allow Members to access information regarding their trading activity that they may utilize to evaluate their own trading behavior and order interactions.

The proposed Report is designed for Members that are interested in gaining insight into latency in connection with orders that failed to execute against an order resting on the Exchange's Book by providing those Members data to analyze by how much time their order may have missed an execution against a contra-side order resting on the Book. The Exchange believes that providing this optional latency data to interested Members is consistent with facilitating transactions in securities, removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest because it provides greater visibility into the latency of Members' incoming orders. Members may use this data to optimize their models and trading patterns in an effort to yield better execution results by calculating by how much time their order may have missed an execution.

As discussed above, the Exchange currently fields ad hoc requests from Members for information regarding the timeliness of their attempts to execute against resting options liquidity on the Exchange's Book. The proposal is designed to offer this type of latency information in a systematized way and standardized format to any Member that chooses to subscribe to the Report. As a result, the proposal will make latency information for liquidity-seeking orders available in a more equalized manner and will increase transparency, particularly for Recipient Members that may not have the expertise to generate the same information on their own. The proposed Report may better enable Recipient Members to increase the fill rates for their liquidity-seeking orders. At the same time, as is also discussed above, the Report is designed to prevent a Recipient Member from learning other Members' sensitive trading information. The Report would not be a real-time market data product, as it would provide only historical trading data for the previous trading day, generally on a T+1 basis. In addition, the data in the Report regarding incoming orders that failed to execute would be specific to the Recipient Member's orders, and other information in the proposed Report regarding resting orders and executions would be anonymized if it relates to a Member other than the Recipient Member.

The Report generally contains three buckets of information. The first two buckets include information about the resting order and the execution of the resting order. This information is generally available from other public sources, such as OPRA and the Exchange's proprietary data feeds, or is similar to information included in a report offered by another exchange. For example, OPRA provides bids, offers, and consolidated last sale and quotation information for options trading on all national securities exchanges, including the Exchange. In addition, the Exchange offers the Top of Market (''ToM'') feed which provides real-time quote and last sale information for all displayed orders on the Book.[25]

Specifically, the first bucket of information contained in the Report for the resting order includes the time the resting order was received by the Exchange, the symbol, unique reference number assigned at the time of receipt, side (buy or sell), and the displayed price and size of the resting order. Further, the symbol, origin type, side (buy or sell), and displayed price and size are also available either via OPRA or the Exchange's proprietary data feeds. The first bucket of information also indicates whether the Recipient Member is an Affiliate of the Member that entered the resting order. This data field will not indicate the identity of the Member that entered the resting order and would simply allow the Recipient Member to better understand the scenarios in which it may execute against the orders of its Affiliates.[26]

The second bucket of information contained in the Report regards the execution of the resting order and includes the MBBO and ABBO at the time of execution. These data points are also available either via OPRA or the Exchange's proprietary data feeds. The second bucket of information will also indicate whether the response was entered by the Recipient Member. This

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

[24] *See supra* note 3.

[25] *See* Section 6)a) of the Exchange's fee schedule.

[26] The Exchange's surveils to monitor for abhorrent behavior related to internalized trades and identify potential wash sales.

data point is simply provided as a convenience. If not entered by the Recipient Member, this data point will be left blank so as not to include any identifying information about other Member activity. The second bucket of information also includes the size, time and type of first response that executes against the resting order; as well as the time difference between the time the resting order and first response that executes against the resting order are received by the Exchange. These data points would assist the Recipient Member in analyzing by how much time their order may have missed an execution against a contra-side order resting on the Book.

The third bucket of information is about the Recipient Member's response(s) and the time their response(s) is received by the Exchange. This includes the time difference between the time the first response that executes against the resting order was received by the Exchange and the time of each response sent by the Recipient Member, regardless of whether it executed or not. As above, this data point would assist the Recipient Member in analyzing by how much time their order may have missed an execution against a contra-side order resting on the Book. This bucket would also include the size and type of each response submitted by the Recipient Member, the Recipient Member identifier, and a response reference number which is selected by the Recipient Member. Each of these data points are unique to the Recipient Member and should already be known by Recipient Member even if not included in the Report.

The Exchange proposes to provide the Report on a voluntary basis and no Member will be required to subscribe to the Report. The Exchange notes that there is no rule or regulation that requires the Exchange to produce, or that a Member elect to receive, the Report. It is entirely a business decision of each Member to subscribe to the Report. The Exchange proposes to offer the Report as a convenience to Members to provide them with additional information regarding trading activity on the Exchange on a delayed basis after the close of regular trading hours. A Member that chooses to subscribe to the Report may discontinue receiving the Report at any time if that Member determines that the information contained in the Report is no longer useful.

In summary, the proposed Report will help to protect a free and open market by providing additional data (offered on an optional basis) to the marketplace and by providing investors with greater choices.[27] Additionally, the proposal would not permit unfair discrimination because the proposed Report will be available to all Exchange Members.

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, as amended. The Exchange believes that the proposed Report will enhance competition[28] by providing a new option for receiving market data to Members. The proposed Report will also further enhance competition between exchanges by allowing the Exchange to expand its product offerings to include a report similar to that currently offered by the NASDAQ Stock Market LLC (''NASDAQ'').[29]

In this instance, the proposed rule change to offer the optional Report is in response to Member interest and requests for such information. The Exchange does not believe the proposed Report will have an inappropriate burden on intra-market competition between Recipient Members and other Members who do not receive the Report. As discussed above, the first two buckets of information included in the Report contain information about the resting order and the execution of the resting order, both of which are generally available to Members that choose not to receive the Report from other public sources, such as OPRA and the Exchange's proprietary data feeds. The third bucket of information is about the Recipient Member's response and the time their response is received by the Exchange, information which the Recipient Member would be able to obtain without receiving the Report. Additionally, some Members may already be able to derive a substantial amount of the same data that is provided by some of the components based on their own executions and algorithms.

In sum, if the proposed Report is unattractive to Members, Members will opt not to receive it. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[30] and Rule 19b–4(f)(6) thereunder.[31] Because the 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, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[32] and Rule 19b–4(f)(6) thereunder.[33]

A proposed rule change filed under Rule 19b–4(f)(6)[34] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[35] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange states that it is prepared to begin offering the Report upon the effectiveness of this proposed rule change. The Exchange also argues that waiver of the operative delay would allow the Exchange to provide a product offering identical to that of its affiliate, MIAX Emerald, as soon as practicable, which in turn would reduce potential confusion in the near term about whether the Exchange is offering the same report as its affiliate offers currently. For these reasons, the

[27] *See* Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data).

[28] *Id.*

[29] *See* NASDAQ Equity Section 7, Rule 146(a)(2).

[30] 15 U.S.C. 78s(b)(3)(A)(iii).

[31] 17 CFR 240.19b–4(f)(6).

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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.

[34] 17 CFR 240.19b–4(f)(6).

[35] 17 CFR 240.19b–4(f)(6)(iii).

Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[36]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2021–21 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–2021–21. 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–2021–21, and should be submitted on or before June 28, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–11797 Filed 6–4–21; 8:45 am]

BILLING CODE 8011–01–P

[36] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[37] 17 CFR 200.30–3(a)(12), (59).

DEPARTMENT OF STATE

[Public Notice 11438]

Notice of the Program for the Study of Eastern Europe and Eurasia (Title VIII) Advisory Committee Open Virtual Meeting

ACTION: Notice of an advisory committee open meeting.

SUMMARY: Pursuant to Section 10 of the Federal Advisory Committee Act (FACA), notice is hereby given to announce a public virtual meeting of the Title VIII Advisory Committee on Thursday, July 1, 2021.

DATES: The meeting will begin at approximately 1:30 p.m. Eastern Daylight Time (EDT) on Thursday, July 1, 2021 via Google Meets and adjourn at approximately 4:00 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Ms. Sidni Dechaine, Title VIII Program Officer, Department of State, Bureau of Intelligence and Research, *TitleVIII@state.gov.*

SUPPLEMENTARY INFORMATION: All meeting participants are being asked to RSVP by Tuesday, June 29, 2021 via email to *TitleVIII@state.gov,* subject line ''Title VIII Advisory Committee Public Meeting 2021.'' Upon receipt of the RSVP, attendees will be registered, and will receive the meeting number and password. Members of the public who will participate are encouraged to dial into the meeting 10 minutes prior to the start of the meeting.

Purpose of Meeting and Topics to be Discussed: The Advisory Committee will announce grant recipients for the 2021 funding opportunity for the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union, in accordance with the Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, Public Law 98–164, as amended. The agenda will include opening statements by the Committee chair and Committee members. The Committee will provide an overview and discussion of eligible grant proposals submitted from national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the Independent States of the Former Soviet Union,'' based on the guidelines set forth in the March 23, 2021 request for proposals published on *Grants.gov* and SAMS Domestic (*mygrants.service-now.com*). Following Committee deliberation, interested members of the public may make oral statements concerning the Title VIII program. This meeting will be open to the public; however, attendees must register in advance.

Sidni J. Dechaine,

Designated Federal Officer, Advisory Committee for the Program for the Study Of Eastern Europe and the Independent States of the Former Soviet Union, Department of State.

[FR Doc. 2021–11826 Filed 6–4–21; 8:45 am]

BILLING CODE 4710–32–P

DEPARTMENT OF STATE

[Public Notice 11437]

Notice of Public Meeting in Preparation for International Maritime Organization III 7 Meeting

The Department of State will conduct a public meeting at 11:00 a.m. on Wednesday, June 30, 2021, by way of teleconference. The primary purpose of the meeting is to prepare for the seventh session of the International Maritime Organization's (IMO) Sub-Committee on Implementation of IMO Instruments (III 7) to be held virtually from Monday, July 12, 2021 to Friday, July 16, 2021.

The agenda items to be considered at the public meeting mirror those to be considered at III 7, and include:

—Decisions of other IMO bodies;

—Consideration and analysis of reports on alleged inadequacy of port reception facilities;

—Lessons learned and safety issues identified from the analysis of marine safety investigation reports;

—Measures to harmonize port state control (PSC) activities and procedures worldwide;

—Identified issues related to the implementation of IMO instruments from the analysis of PSC data;

—Analysis of consolidated audit summary reports;

—Updated survey guidelines under the Harmonized System of Survey and Certification (HSSC);

—Non-exhaustive list of obligations under the instruments relevant to the IMO Instruments Implementation Code (III Code); and

—Unified interpretation of provisions of IMO safety, security, and environment related conventions.

—Follow-up work emanating from the Action Plan to address plastic litter from ships.

—Review the model agreement for the authorization of recognized organizations acting on behalf of the Administration.

Please note: The IMO may, on short notice, adjust the III 7 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP and those in attendance at the meeting.

Those who plan to participate may contact the meeting coordinator, Mr. Christopher Gagnon, by email at *christopher.j.gagnon@uscg.mil,* by phone at (202) 372–1231, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7501, Washington DC 20593–7509. Members of the public needing reasonable accommodation should advise Mr. Gagnon not later than June 23, 2021. Requests made after that date will be considered, but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

Jeremy M. Greenwood,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2021–11818 Filed 6–4–21; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1094X]

City of Los Angeles—Abandonment Exemption—in Los Angeles County, Cal.

The City of Los Angeles (the City) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a 2.6-mile portion of a rail line known as the San Pedro Subdivision extending from milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at milepost 6.60 in Los Angeles County, Cal. (the Line). The Line traverses U.S. Postal Service Zip Code 90731.

The City has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic will need to be rerouted because the Line is stub-ended; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements of 49 CFR 1105.7 and 1105.8 (notice of environmental and historic reports), 49 CFR 1105.9 (Coastal Zone Management Act), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[1] the exemption will be effective on July 7, 2021, unless stayed pending reconsideration. The City simultaneously has filed in this proceeding a petition for exemption from the OFA provisions at 49 U.S.C. 10904 and the public use provisions at 49 U.S.C. 10905.[2] That petition will be addressed in a subsequent decision.

Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 17, 2021.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 28, 2021.

All pleadings, referring to Docket No. AB 1094X, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on the City's representative, Allison I. Fultz, Kaplan Kirsch & Rockwell, 1001 Connecticut Avenue NW, Suite 800, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void ab initio.

The City has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by June 11, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), the City shall file a notice of consummation with the Board to

[1] Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[2] While this is not the preferred procedural approach, it will be permitted here. *See Union Pac. R.R.—Aban. Exemption—in Adams, Weld & Boulder Cntys., Colo.,* AB 33 (Sub-No. 307X), slip op. at 1 n.2 (STB served Oct. 18, 2012) (''Even if the abandonment is eligible for a class exemption, if a petitioner also seeks exemptions that must be ruled upon by the entire Board, the better practice is to file one petition for exemption seeking both the abandonment and any other requested exemptions.'').

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by the City's filing of a notice of consummation by June 7, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: June 1, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2021–11822 Filed 6–4–21; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0004]

Notice of Action in the Section 301 Investigation of Italy's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 6, 2021, the U.S. Trade Representative announced a determination that Italy's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of Italy specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of Italy specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395–6125; or Michael Rogers, Director for Europe and the Middle East at (202) 395–2684. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov.*

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

Italy has adopted a DST that applies to companies that during the previous calendar year, generated €750 million or more in worldwide revenues and €5.5 million or more in revenues deriving from the provision of digital services in Italy. On June 2, 2020, the U.S. Trade Representative initiated an investigation of Italy's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of Italy's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of Italy regarding the issues involved in the investigation. Consultations were held on November 10, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on Italy's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The report includes a full description of Italy's DST, and supports findings that Italy's DST is unreasonable and discriminatory and burdens or restricts U.S. commerce. On January 6, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Italy's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 2477 (January 12, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of Italy to be drawn from a list of 59 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings on May 3 and May 6, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0004* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008.*

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021.

Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on products of Italy specified in Annex A to this notice. Annex A contains a list of 44 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $386 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital

transactions covered by Italy's DST and the amount of taxes assessed by Italy on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to Italy will be up to approximately $140 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of Italy and the estimates of the amount of taxes assessed by Italy.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines that substantial progress is being made, or that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.04 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with Italy, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 25(a) and 25(b) to subchapter III of chapter 99 in numerical sequence:

''25 (a) For the purposes of heading 9903.90.04, products of Italy, as specified in this note, shall be subject to additional duties as provided herein. All products of Italy that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.04. The duties imposed by heading 9903.90.04 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of Italy that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.04, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.04 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in Italy and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of Italy that are provided for in heading 9903.90.04 and classified in one of the subheadings enumerated in note 25(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.04 shall apply to all products of Italy that are classified in the subheadings enumerated below:

1604.31.00
1604.32.40
3303.00.20
3307.90.00
4202.29.10
4202.29.50
4202.29.90
6103.10.10
6103.31.00
6103.32.00
6103.33.20
6103.39.80
6104.32.00
6104.33.20
6110.30.10
6117.80.20
6117.80.87
6203.19.10
6203.31.90
6203.32.10
6203.32.20
6203.33.10
6203.33.20
6203.39.10
6203.39.20
6203.39.50
6203.39.90
6204.31.10
6204.31.20
6204.32.20
6204.33.10
6204.33.40
6204.33.50
6204.39.20
6204.39.30
6204.39.60
6204.39.80
6403.59.60
6403.91.60
6403.91.90
9001.40.00
9001.50.00

9001.90.40
9001.90.90''.

2. by inserting the following new heading 9903.90.04 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.04	''Articles the product of Italy, as provided for in U.S. note 25(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 25(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
1604.31.00	Caviar.
1604.32.40	Caviar substitutes prepared from fish eggs, nesoi.
3303.00.20	Perfumes and toilet waters, other than floral or flower waters, not containing alcohol.
3307.90.00	Depilatories and other perfumery, cosmetic or toilet preparations. nesoi.
4202.29.10	Handbags w. or w/o shld. strap or w/o handle of mat. (o/t leather, shtng. of plas., tex. mat., vul. fib. or paperbd.), paper cov., of plas.
4202.29.50	Handbags w. or w/o shld. strap or w/o handle of mat. (o/t leather, shtng. of plas., tex. mat., vul. fib. or paperbd.), pap.cov.,of mat. nesoi.
4202.29.90	Handbags with or without shoulder straps or without handle, with outer surface of vulcanized fiber or of paperboard, not covered with paper.
6103.10.10	Men's or boys' suits, knitted or crocheted, of wool or fine animal hair.
6103.31.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of wool or fine animal hair.
6103.32.00	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of cotton.
6103.33.20	Men's or boys' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi.
6103.39.80	Men's or boys' suit-type jackets and blazers, of textile mats, (except wool, cotton, or mmf), cont less than 70% by wt of silk, knitted/croc.
6104.32.00	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of cotton.
6104.33.20	Women's or girls' suit-type jackets and blazers, knitted or crocheted, of synthetic fibers, nesoi.
6110.30.10	Sweaters, pullovers, sweatshirts and similar articles, knitted or crocheted, of man-made fibers, cont. 25% or more by weight of leather.
6117.80.20	Ties, bow ties and cravats, containing 70% or more by weight of silk or silk waste, knitted or crocheted.
6117.80.87	Ties, bow ties and cravats, containing under 70% by weight of silk or silk waste, knitted or crocheted.
6203.19.10	Men's or boys' suits, not knitted or crocheted, of cotton.
6203.31.90	Men's or boys' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted.
6203.32.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, containing 36 percent or more of flax fibers.
6203.32.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of cotton, under 36% by weight of flax.
6203.33.10	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair.
6203.33.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, under 36% by weight of wool.
6203.39.10	Men's or boys' suit-type jackets and blazers, of artificial fibers, containing 36% or more by weight of wool or fine animal hair, not k/c.
6203.39.20	Men's or boys' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool.
6203.39.50	Men's or boys' suit-type jackets and blazers, of textile materials (except wool, cotton or mmf), cont 70% or more by weight of silk, not k/c.
6203.39.90	Men's or boys' suit-type jackets and blazers, of text materials (except wool, cotton or mmf), containing under 70% by weight of silk, not k/c.
6204.31.10	Women's or girls' suit-type jackets & blazers, of wool or fine animal hair, not knitted or crocheted, cont. 30% or more by weight of silk/silk waste.
6204.31.20	Women's or girls' suit-type jackets and blazers, of wool or fine animal hair, not knitted or crocheted, under 30% by weight of silk/silk waste.
6204.32.20	Women's or girls' suit-type jackets and blazers, of cotton, not knitted or crocheted, under 36% flax.
6204.33.10	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, cont. 30% or more of silk/silk waste.
6204.33.40	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of synthetic fibers, cont. 36% or more of wool or fine animal hair.
6204.33.50	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of synthetic fibers, nesoi.
6204.39.20	Women's or girls' suit-type jackets & blazers, not knitted or crocheted, of artificial fibers, cont. 36% or more by weight of wool or fine animal hair.

HTSUS subheading	Product description
6204.39.30	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of artificial fibers, under 36% by weight of wool or fine animal hair.
6204.39.60	Women's or girls' suit-type jackets and blazers, not knitted/crocheted, of othertextile materials nesoi, cont. 70% + by weight of silk or silk waste.
6204.39.80	Women's or girls' suit-type jackets and blazers, not knitted or crocheted, of textile materials nesoi.
6403.59.60	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for men, youths and boys.
6403.91.60	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, n/welt, for men, youths and boys.
6403.91.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, cov. ankle, n/welt, for persons other than men/youths/boys.
9001.40.00	Spectacle lenses of glass, unmounted.
9001.50.00	Spectacle lenses of materials other than glass, unmounted.
9001.90.40	Lenses nesoi, unmounted.
9001.90.90	Optical elements nesoi, unmounted.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0006]

Notice of Action in the Section 301 Investigation of Turkey's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 6, 2021, the U.S. Trade Representative announced a determination that Turkey's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of Turkey specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of Turkey specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395–6125; or Michael Rogers, Director for Europe and the Middle East at (202) 395–2684. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov.*

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

Turkey has adopted a DST that applies to companies that during the previous calendar year, generated €750 million or more in worldwide revenues and TRY 20 million or more in revenues deriving from the provision of digital services in Turkey. On June 2, 2020, the U.S. Trade Representative initiated an investigation of Turkey's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of Turkey's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of Turkey regarding the issues involved in the investigation. Consultations were held on September 29, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on Turkey's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The report includes a full description of Turkey's DST, and supports findings that Turkey's DST is unreasonable and discriminatory and burdens or restricts U.S commerce. On January 6, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Turkey's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 2480 (January 12, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of Turkey to be drawn from a list of 45 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings held on May 3 and May 7, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0006* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008.*

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade

Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021. Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on products of Turkey specified in Annex A to this notice. Annex A contains a list of 32 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $310 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital transactions covered by Turkey's DST and the amount of taxes assessed by Turkey on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to Turkey will be up to approximately $160 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of Turkey and the estimates of the amount of taxes assessed by Turkey.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines . . . that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.06 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with Turkey, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 27(a) and 27(b) to subchapter III of chapter 99 in numerical sequence:

''27 (a) For the purposes of heading 9903.90.06, products of Turkey, as specified in this note, shall be subject to additional duties as provided herein. All products of Turkey that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.06. The duties imposed by heading 9903.90.06 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of Turkey that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.06, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.06 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in Turkey and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of Turkey that are provided for in heading 9903.90.06 and classified in one of the subheadings enumerated in note 27(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.06 shall apply to all products of Turkey that are classified in the subheadings enumerated below:

5701.10.16
5701.10.90
5701.90.10
5702.31.20
5702.42.10

5702.92.10
5702.99.05
5702.99.15
5703.20.20
5703.90.00
6302.22.20
6302.32.20
6802.21.10
6802.21.50
6802.92.00
6907.21.10
6907.21.90
6907.23.90
6907.30.20
6907.30.30
6907.30.90
6907.40.90
6910.10.00
6913.10.50
6913.90.50
7113.11.20
7113.19.50
7113.20.29
7113.20.50
7116.20.05
7117.19.90
7117.90.90''.

2. by inserting the following new heading 9903.90.06 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.06	''Articles the product of Turkey, as provided for in U.S. note 27(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 27(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
5701.10.16	Carpets & other textile floor coverings, hand-knotted or hand-inserted, w/ov 50% by weight of the pile of fine animal hair, nesoi.
5701.10.90	Carpets and other textile floor coverings, of wool or fine animal hair, not hand-hooked, not hand knotted during weaving.
5701.90.10	Carpet and other textile floor covering, knotted, of text. materials (not wool/hair), pile inserted & knotted during weaving or knitting.
5702.31.20	Carpets and other textile floor coverings of pile construction, woven, not tufted or flocked, not made up, of wool/fine animal hair, nesoi.
5702.42.10	Wilton, velvet and like floor coverings of pile construction, woven, not tufted or flocked, made up, of man-made textile materials.
5702.92.10	Hand-loomed carpet & other textile floor coverings, not of pile construction, woven, made up, of man-made textile materials.
5702.99.05	Hand-loomed carpets and other textile floor coverings, not of pile construction, woven, made up, of cotton.
5702.99.15	Carpets and other textile floor coverings, not of pile construction, woven, made up, of cotton, nesoi.
5703.20.20	Carpets and other textile floor coverings, tufted, whether or not made up, of nylon or other polyamides, nesoi.
5703.90.00	Carpets and other textile floor coverings, tufted, whether or not made up, of other textile materials nesoi.
6302.22.20	Bed linen, not knitted or crocheted, printed, of manmade fibers, nesoi.
6302.32.20	Bed linen, not knitted or crocheted, not printed, of manmade fibers, nesoi.
6802.21.10	Worked monumental or building stone & arts. thereof, of travertine, simply cut/sawn, w/flat or even surface.
6802.21.50	Worked monumental or building stone & arts. thereof, of marble or alabaster, simply cut/sawn, w/flat or even surface.
6802.92.00	Worked monumental or building stone & arts. thereof, of calcareous stone, nesoi, further worked than simply cut/sawn.
6907.21.10	Unglazed ceramic flags and paving, hearth or wall tiles, other than those of subheading 6907.30 and 6907.40, of H2O absorp coeff by wt <=0.5%.
6907.21.90	Glazed ceramic flags and paving, hearth or wall tile, o/t subheading 6907.30 and 6907.40, of a H2O absorp coeff by wt <=0.5%, nesoi.
6907.23.90	Glazed ceramic flags and paving, hearth or wall tiles, o/t subheading 6907.30 and 6907.40, of a H2O absorp coeff by wt >10%, nesoi.
6907.30.20	Glazed ceramic mosaic cubes, o/t subheading 6907.40, having <=3229 cubes per m2, surf area in sq w/side <7cm.
6907.30.30	Glazed ceramic mosaic cubes, o/t subheading 6907.40, having surface area <38.7cm2, surf area in sq w/side <7cm.
6907.30.90	Glazed ceramic mosaic cubes nesoi, o/t subheading 6907.40.
6907.40.90	Glazed finishing ceramics nesoi.
6910.10.00	Porcelain or china ceramic sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures.
6913.10.50	Porcelain or china (o/than bone china) ornamental articles, nesoi.
6913.90.50	Ceramic (o/than porcelain, china, ceramic tile or earthenware) ornamental articles, nesoi.
7113.11.20	Silver articles of jewelry and parts thereof, nesoi, valued not over $18 per dozen pieces or parts.
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereof (o/t necklaces of gold, and clasps and parts thereof), whether or not plated or clad with precious metal, nesoi.
7113.20.29	Base metal clad w/gold necklaces and neck chains, nesoi.
7113.20.50	Base metal clad w/precious metal articles of jewelry and parts thereof (o/t necklaces of gold, and clasps and parts thereof), nesoi.
7116.20.05	Jewelry articles of precious or semiprecious stones, valued not over $40 per piece.

HTSUS subheading	Product description
7117.19.90	Imitation jewelry (o/than cuff links and studs, toy jewelry, religious articles & rope, curb, cable, chain, etc.), of base metal (wheth. or n/plated w/prec.metal), nesoi.
7117.90.90	Imitation jewelry not of base metal or plastics, nesoi, over 20 cents/dozen pcs or pts, o/t toy jewelry or of plastics.

[FR Doc. 2021–11861 Filed 6–4–21; 8:45 am]

BILLING CODE 3290–F1–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0003]

Notice of Action in the Section 301 Investigation of India's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 6, 2021, the U.S. Trade Representative announced a determination that India's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of India specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of India specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395–6125; or Brendan Lynch, Deputy Assistant U.S. Trade Representative for South and Central Asian Affairs at (202) 395–2851. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov*.

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

India has adopted a DST that imposes a two percent tax on revenue generated from a broad range of digital services offered in India, including digital platform services, digital content sales, digital sales of a company's own goods, data-related services, software-as-a-service, and several other categories of digital services. India's DST only applies to ''non-resident'' companies. On June 2, 2020, the U.S. Trade Representative initiated an investigation of India's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of India's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of India regarding the issues involved in the investigation. Consultations were held on November 5, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on India's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes*. The report includes a full description of India's DST, and supports findings that India's DST is unreasonable and discriminatory and burdens or restricts U.S commerce. On January 6, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that India's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 2478 (January 12, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of India to be drawn from a list of 40 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings held on May 3 and May 10, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes*. The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0003* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008*.

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021.

Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on

products of India specified in Annex A to this notice. Annex A contains a list of 26 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $119 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital transactions covered by India's DST and the amount of taxes assessed by India on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to India will be up to approximately $55 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of India and the estimates of the amount of taxes assessed by India.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines . . . that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.03 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges. Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with India, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 24(a) and 24(b) to subchapter III of chapter 99 in numerical sequence:

''24 (a) For the purposes of heading 9903.90.03, products of India, as specified in this note, shall be subject to additional duties as provided herein. All products of India that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.03. The duties imposed by heading 9903.90.03 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of India that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.03, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.03 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in India and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of India that are provided for in heading 9903.90.03 and classified in one of the subheadings enumerated in note 24(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.03 shall apply to all products of India that are classified in the subheadings enumerated below:

0306.16.00
0306.35.00
0306.95.00
1006.20.20
4421.91.40
4421.91.94
4503.10.40
4813.10.00
4813.90.00
7101.22.30
7101.22.60
7103.99.50
7104.90.50
7113.19.21
7113.19.25
7114.20.00
7116.20.05
7116.20.15
7410.21.30
9401.69.20
9401.69.40
9401.69.60
9401.69.80
9403.50.40
9403.50.90
9403.83.00''.

2. by inserting the following new heading 9903.90.03 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'',

''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.03	''Articles the product of India, as provided for in U.S. note 24(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 24(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
0306.16.00	Cold-water shrimps and prawns, cooked in shell or uncooked, dried, salted or in brine, frozen.
0306.35.00	Cold water shrimps and prawns, shell-on or peeled, live, or chilled.
0306.95.00	Other shrimps and prawns, shell-on or peeled.
1006.20.20	Basmati rice, husked.
4421.91.40	Blinds, shutters, screens and shades of bamboo, other than those with wooden frames in the center of which are fixed louver boards or slats.
4421.91.94	Edge-glued lumber of bamboo.
4503.10.40	Corks and stoppers of natural cork, tapered & of a thickness (or length) greater than the maximum diam., over 19 mm maximum diam., nesoi.
4813.10.00	Cigarette paper in the form of booklets or tubes.
4813.90.00	Cigarette paper, whether or not cut to size, nesoi.
7101.22.30	Cultured pearls, worked, graded and temporarily strung for convenience of transport.
7101.22.60	Cultured pearls, worked, not strung, mounted or set.
7103.99.50	Precious or semiprecious stones, nesoi, worked, whether or not graded, but n/strung (ex. ungraded temporarily strung), mtd. or set.
7104.90.50	Synth. or reconstruct. precious or semiprecious stones, wkd, whether or not graded, but n/strung (ex. ungraded temp. strung), mtd./set, nesoi.
7113.19.21	Gold rope necklaces and neck chains.
7113.19.25	Gold mixed link necklaces and neck chains.
7114.20.00	Goldsmiths' or silversmiths' wares of base metal clad with precious metal.
7116.20.05	Jewelry articles of precious or semiprecious stones, valued not over $40 per piece.
7116.20.15	Jewelry articles of precious or semiprecious stones, valued over $40 per piece.
7410.21.30	Refined copper foil, clad laminates, w/thickness of 0.15 mm or less, backed.
9401.69.20	Seats nesoi, of bent-wood.
9401.69.40	Chairs nesoi, w/teak frames, not upholstered.
9401.69.60	Chairs nesoi, w/wooden frames (o/than teak), not upholstered.
9401.69.80	Seats (o/than chairs) nesoi, w/wooden frames, not upholstered.
9403.50.40	Furniture (o/than 9401 or 9402) of bentwood nesoi, of a kind used in the bedroom.
9403.50.90	Furniture (o/than 9401 or 9402) of wood (o/than bentwood), of a kind used in the bedroom & not designed for motor vehicle use.
9403.83.00	Rattan furniture and parts thereof.

[FR Doc. 2021–11858 Filed 6–4–21; 8:45 am]

BILLING CODE 3290–F1–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0005]

Notice of Action in the Section 301 Investigation of Spain's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 14, 2021, the U.S. Trade Representative announced a determination that Spain's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of Spain specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of Spain specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director,

Services and Investment at (202) 395–6125; or Michael Rogers, Director for Europe and the Middle East at (202) 395–2684. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov.*

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

Spain has adopted a DST that applies a three percent tax on certain digital services revenues related to online advertising services, online intermediary services, and data transmission services. Companies with worldwide revenues of €750 million or more and €3 million in certain digital services revenues are subject to the DST. On June 2, 2020, the U.S. Trade Representative initiated an investigation of Spain's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of Spain's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of Spain regarding the issues involved in the investigation. Consultations were held on December 17, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on Spain's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The report includes a full description of Spain's DST, and supports findings that Spain's DST is unreasonable and discriminatory and burdens or restricts U.S commerce. On January 14, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Spain's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 6407 (January 21, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of Spain to be drawn from a list of 36 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings on May 3 and May 6, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes.* The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0005* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008.*

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021.

Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on products of Spain specified in Annex A to this notice. Annex A contains a list of 27 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $324 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital transactions covered by Spain's DST and the amount of taxes assessed by Spain on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to Spain will be up to approximately $155 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of Spain and the estimates of the amount of taxes assessed by Spain.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines . . . that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.05 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading

established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with Spain, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 26(a) and 26(b) to subchapter III of chapter 99 in numerical sequence:

''26 (a) For the purposes of heading 9903.90.05, products of Spain, as specified in this note, shall be subject to additional duties as provided herein. All products of Spain that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.05. The duties imposed by heading 9903.90.05 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of Spain that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.05, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.05 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in Spain and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of Spain that are provided for in heading 9903.90.05 and classified in one of the subheadings enumerated in note 26(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.05 shall apply to all products of Spain that are classified in the subheadings enumerated below:

0306.16.00
0306.17.00
0307.52.00
1605.21.05
1605.21.10
1605.55.05
4202.21.90
4202.22.15
4203.30.00
6402.99.31
6403.51.30
6403.51.60
6403.51.90
6403.59.30
6403.59.60
6403.59.90
6403.99.90
6404.19.39
6404.20.40
6404.20.60
6405.90.90
6504.00.60
6505.00.08
6505.00.15
6505.00.30
7013.99.80
7013.99.90''.

2. by inserting the following new heading 9903.90.05 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.05	''Articles the product of Spain, as provided for in U.S. note 26(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 26(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
0306.16.00	Cold-water shrimps and prawns, cooked in shell or uncooked, dried, salted or in brine, frozen.
0306.17.00	Other shrimps and prawns, cooked in shell or uncooked, dried, salted or in brine, frozen.
0307.52.00	Octopus, frozen.
1605.21.05	Shrimp & prawns not in airtight containers: Fish meat and prepared meals.
1605.21.10	Shrimp & prawns not in airtight containers: Other than fish meat and prepared meals.
1605.55.05	Octopus, as containing fish meat or prepared meals.
4202.21.90	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesoi, over $20 ea.
4202.22.15	Handbags, with or without shoulder straps or without handle, with outer surface of sheeting of plastics.
4203.30.00	Belts and bandoliers with or without buckles, of leather or of composition leather.
6402.99.31	Footwear w/outer soles & uppers of rubber or plastics, nesoi, n/cov. ankle, w/ext. surf. of uppers o/90% rubber or plastics, nesoi.
6403.51.30	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, welt.
6403.51.60	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for men, youths and boys.
6403.51.90	Footwear w/outer soles and uppers of leather, nesoi, covering the ankle, n/welt, for persons other than men, youths and boys.
6403.59.30	Footwear w/outer soles and uppers of leather, not covering the ankle, welt, nesoi.
6403.59.60	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for men, youths and boys.
6403.59.90	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for persons other than men, youths and boys.
6403.99.90	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, for persons other than men, youths and boys, val. over $2.50/pair.
6404.19.39	Footwear w/outr sole rub/plast & upp. textile, nesoi, w/open toes/heels or slip-on, >10% by wt. rub./plast not subj note 5 ch 64.
6404.20.40	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. o/$2.50/pr.
6404.20.60	Footwear w/outer soles of leather/comp. leather & uppers of textile, nesoi.
6405.90.90	Footwear, nesoi, w/outer soles and uppers o/than leather/comp. leather/text. not disposable.
6504.00.60	Hats and headgear, plaited or assembled from strips of veg. fibers or unspun fibrous veg. materials and/or paper yarn, not sewed.
6505.00.08	Hats and headgear made up from felt made from hat forms or hat bodies of 6501, except of fur felt.
6505.00.15	Hats and headgear, of cotton and/or flax, knitted.
6505.00.30	Hats and headgear, of wool, knitted or crocheted or made up from knitted or crocheted fabric.
7013.99.80	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over $3 but n/over $5 each.
7013.99.90	Glassware for toilet/office/indoor decor. or similar purposes, nesoi, n/cut or engraved, valued over $5 each.

[FR Doc. 2021–11863 Filed 6–4–21; 8:45 am]

BILLING CODE 3290–F1–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0002]

Notice of Action in the Section 301 Investigation of Austria's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 14, 2021, the U.S. Trade Representative announced a determination that Austria's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of Austria specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of Austria specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395–6125; or Michael Rogers, Director for Europe and the Middle East at (202) 395–2684. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov*.

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

Austria has adopted a DST that imposes a 5 percent tax on gross revenues from digital advertising services provided in Austria. The DST applies only to companies with annual global revenues of €750 million or more, and annual revenues from digital advertising services in Austria of €25 million or more. On June 2, 2020, the U.S. Trade Representative initiated an investigation of Austria's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of Austria's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to

tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of Austria regarding the issues involved in the investigation. Consultations were held on December 21, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on Austria's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes*. The report includes a full description of Austria's DST, and supports findings that Austria's DST is unreasonable and discriminatory and burdens or restricts U.S commerce. On January 14, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that Austria's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 6406 (January 21, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of Austria to be drawn from a list of 40 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings held on May 3 and May 6, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes*. The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0002* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008*.

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021.

Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on products of Austria specified in Annex A to this notice. Annex A contains a list of 23 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $65 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital transactions covered by Austria's DST and the amount of taxes assessed by Austria on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to Austria will be up to approximately $45 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of Austria and the estimates of the amount of taxes assessed by Austria.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines . . . that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.02 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges. Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with Austria, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the

comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 23(a) and 23(b) to subchapter III of chapter 99 in numerical sequence:

''23 (a) For the purposes of heading 9903.90.02, products of Austria, as specified in this note, shall be subject to additional duties as provided herein. All products of Austria that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.02. The duties imposed by heading 9903.90.02 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of Austria that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.02, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.02 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in Austria and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of Austria that are provided for in heading 9903.90.02 and classified in one of the subheadings enumerated in note 23(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.02 shall apply to all products of Austria that are classified in the subheadings enumerated below:

6903.20.00
7013.22.50
7013.28.20
7013.28.50
7013.28.60
7013.37.20
7013.37.60
7013.41.50
7013.49.60
7013.91.50
7019.90.10
7019.90.50
7403.29.01
8418.10.00
9003.11.00
9005.10.00
9005.80.40
9005.80.60
9010.60.00
9012.10.00
9015.40.80
9015.80.20
9027.50.80''.

2. by inserting the following new heading 9903.90.02 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.02	''Articles the product of Austria, as provided for in U.S. note 23(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 23(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
6903.20.00	Refractory ceramic goods (o/than of siliceous fossil meals or earths), nesoi, cont. by wt. o/50% alumina or mix. or comp. of Al_2O_3 & SiO_2.
7013.22.50	Stemware drinking glasses of lead crystal, valued over $5 each.
7013.28.20	Stemware, o/than of pressed and toughened glass, o/than lead crystal, valued o/$0.30 but n/over $3 each.
7013.28.50	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued o/$3 but n/over $5 each.
7013.28.60	Stemware, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over $5 each.
7013.37.20	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, valued o/$0.30 but n/over $3 each.
7013.37.60	Drinking glasses, nesoi, o/than of pressed and toughened glass, o/than lead crystal, not cut or engraved, valued over $5 each.
7013.41.50	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over $5 each.
7013.49.60	Glassware for table or kitchen purposes (o/than drinking glasses), nesoi, n/cut or engraved, valued over $5 each.
7013.91.50	Glassware for toilet/office/indoor decor. & similar purposes, of lead crystal, valued over $5 each.
7019.90.10	Woven glass fiber articles (other than fabrics), nesoi.

HTSUS subheading	Product description
7019.90.50	Glass fibers (including glass wool), nesoi, and articles thereof, nesoi.
7403.29.01	Copper alloys (o/than copper-zinc, copper-tin alloys), unwrought nesoi.
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors, electric or other.
9003.11.00	Frames and mountings, of plastics, for spectacles, goggles or the like.
9005.10.00	Binoculars.
9005.80.40	Optical telescopes, including monoculars.
9005.80.60	Monoculars and astronomical instruments other than binoculars and optical telescopes but not including instruments for radio-astronomy.
9010.60.00	Projection screens.
9012.10.00	Microscopes other than optical microscopes; diffraction apparatus.
9015.40.80	Photogrammetrical surveying instruments and appliances, other than electrical.
9015.80.20	Optical surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesoi.
9027.50.80	Nonelectrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesoi.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0007]

Notice of Action in the Section 301 Investigation of the United Kingdom's Digital Services Tax

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: On January 14, 2021, the U.S. Trade Representative announced a determination that the United Kingdom's Digital Services Tax (DST) is unreasonable or discriminatory and burdens or restricts U.S. commerce. This notice announces the U.S. Trade Representative's determination to take action in the form of additional duties of 25 percent on the products of the United Kingdom specified in Annex A to this notice. The U.S. Trade Representative has further determined to suspend application of the additional duties for a period of up to 180 days.

DATES:

June 2, 2021: The U.S. Trade Representative determined to take action in the form of additional duties of 25 percent on products of the United Kingdom specified in Annex A.

November 29, 2021: The end of the 180-day suspension period for the additional duties.

FOR FURTHER INFORMATION CONTACT: For questions concerning the investigation, please contact Benjamin Allen, Thomas Au, or Patrick Childress, Assistant General Counsels at: (202) 395–9439, (202) 395–0380, and (202) 385–9531, respectively; Robert Tanner, Director, Services and Investment at (202) 395–6125; or Michael Rogers, Director for Europe and the Middle East at (202) 395–2684. For specific questions on customs classification or implementation of additional duties on products, contact *traderemedy@cbp.gov*.

SUPPLEMENTARY INFORMATION:

I. Proceedings in the Investigation

The United Kingdom has adopted a DST that applies a two percent tax on the revenues of certain search engines, social media platforms and online marketplaces. The United Kingdom's DST applies only to companies with digital services revenues exceeding £500 million and United Kingdom digital services revenues exceeding £25 million. On June 2, 2020, the U.S. Trade Representative initiated an investigation of the United Kingdom's DST pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended (Trade Act). *See* 85 FR 34709 (June 5, 2020) (notice of initiation). The notice of initiation solicited written comments on, *inter alia,* the following aspects of the United Kingdom's DST: Discrimination against U.S. companies; retroactivity; and possibly unreasonable tax policy. With respect to tax policy, USTR solicited comments on, *inter alia,* whether the DST diverged from principles reflected in the U.S. and international tax systems including extraterritoriality; taxing revenue not income; and a purpose of penalizing particular technology companies for their commercial success. Interested persons filed over 380 written submissions in response. The public submissions are available on *www.regulations.gov* in docket number USTR–2020–0022.

Under section 303 of the Trade Act, the U.S. Trade Representative requested consultations with the government of the United Kingdom regarding the issues involved in the investigation. Consultations were held on December 4, 2020. Based on information obtained during the investigation, USTR prepared a comprehensive report on the United Kingdom's DST, which is posted on the USTR website at *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digitalservices-taxes*. The report includes a full description of the United Kingdom's DST, and supports findings that the United Kingdom's DST is unreasonable and discriminatory and burdens or restricts U.S commerce. On January 14, 2021, based on the information obtained during the investigation and the advice of the Section 301 Committee, the U.S. Trade Representative determined that the United Kingdom's DST is unreasonable or discriminatory and burdens or restricts U.S. commerce, and therefore is actionable under sections 301(b) and 304(a) of the Trade Act. *See* 86 FR 6406 (January 21, 2021).

On March 31, 2021, USTR issued a notice proposing that appropriate action would include additional *ad valorem* duties of up to 25 percent on products of the United Kingdom to be drawn from a list of 69 tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) included in the annex to that notice. The March 31, 2021 notice requested comments on the proposed action as well as on other potential actions in the investigation. Witnesses provided testimony at public hearings on May 3 and May 6, 2021, and interested persons filed written comments. Transcripts from the hearings are available on the USTR website at: *https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-digital-services-taxes*. The written public submissions are available at: *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0007* and *https://comments.ustr.gov/s/docket?docketNumber=USTR-2021-0008*.

II. Determination of Action To Be Taken in the Investigation

In accordance with section 301(b) of the Trade Act, the U.S. Trade Representative has determined that action is appropriate in this investigation. Section 301(b) provides

that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the U.S. Trade Representative shall take all appropriate and feasible action authorized under section 301(c) of the Trade Act, subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the U.S. Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. Section 304(a)(2)(B) provides that the U.S. Trade Representative shall make the determination of what action to take on or before the date that is 12 months after the date on which the investigation was initiated, or in this case, by June 2, 2021.

Pursuant to sections 301(b) and (c) of the Trade Act, and in accordance with the advice of the Section 301 Committee, the U.S. Trade Representative has determined that appropriate action is the imposition of *ad valorem* duties of 25 percent on products of the United Kingdom specified in Annex A to this notice. Annex A contains a list of 67 tariff subheadings, with an estimated trade value for calendar year 2019 of approximately $887 million. In making this determination, the U.S. Trade Representative considered the public comments submitted in the investigation, as well as advice of advisory committees. In determining the level of trade covered by the additional duties, the U.S. Trade Representative considered the value of digital transactions covered by the United Kingdom's DST and the amount of taxes assessed by the United Kingdom on U.S. companies. Estimates indicate that the value of the DST payable by U.S.-based company groups to the United Kingdom will be up to approximately $325 million per year. The level of trade covered by the action takes into account estimates of the amount of tariffs to be collected on goods of the United Kingdom and the estimates of the amount of taxes to be assessed by the United Kingdom.

Section 305(a) of the Trade Act provides, in pertinent part, that the U.S. Trade Representative may delay implementation of the action to be taken for up to 180 days ''if the Trade Representative determines . . . that a delay is necessary or desirable . . . to obtain . . . [a] satisfactory solution with respect to the acts, policies, or practices that are the subject of the action.'' Pursuant to section 305(a), the U.S. Trade Representative has determined to suspend the additional duties for up to 180 days (that is, up to November 29, 2021) to allow additional time for multilateral and bilateral discussions that could lead to a satisfactory resolution of this matter.

In order to implement this determination, subchapter III of chapter 99 of the HTSUS is modified by Annex A of this notice. Annex A is an effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, which is 180 days after the determination of action. In the event the U.S. Trade Representative determines that the suspension of the additional duties should be for less than a period of 180 days, USTR will issue a subsequent notice amending the effective date. For informational purposes, Annex B contains a list of the tariff subheadings covered by the tariff action along with short product descriptions. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. As specified in Annex A, products provided for in new HTSUS heading 9903.90.07 will be subject to an additional *ad valorem* duty of 25 percent. The additional duties provided for in the new HTSUS heading established by Annex A apply in addition to all other applicable duties, fees, exactions, and charges.

Any product listed in Annex A, except any product that is eligible for admission under 'domestic status' as defined in 19 CFR 146.43, which is subject to the additional duty imposed by this determination, and is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on November 29, 2021, only may be admitted as 'privileged foreign status' as defined in 19 CFR 146.41. Such products will be subject upon entry for consumption to any *ad valorem* rates of duty or quantitative limitations related to the classification under the applicable HTSUS subheading.

The U.S. Trade Representative will continue to monitor the effect of the trade action, the progress of discussions in the Organisation for Economic Co-operation and Development and G20, the progress of discussions with the United Kingdom, and may adopt appropriate modifications. If a modification to the action may be appropriate, the U.S. Trade Representative will consider the comments received in response to the March 31, 2021 notice.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

Annex A

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on November 29, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. By inserting the following new U.S. notes 28(a) and 28(b) to subchapter III of chapter 99 in numerical sequence:

''28 (a) For the purposes of heading 9903.90.07, products of the United Kingdom, as specified in this note, shall be subject to additional duties as provided herein. All products of the United Kingdom that are classified in the subheadings enumerated in this note are subject to the additional duties imposed by heading 9903.90.07. The duties imposed by heading 9903.90.07 shall be in addition to the general duty rates provided for in the applicable provisions of the tariff schedule.

Products of the United Kingdom that are classified in the subheadings enumerated in this note and that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99 shall be subject to the additional duties imposed by heading 9903.90.07, and any such duty exemption or reduction shall apply only to the permanent general rate prescribed in provisions of chapters 1 through 97 of the tariff schedule.

The additional duties imposed by heading 9903.90.07 do not apply to goods for which entry is properly claimed under a provision of chapter 98 of the HTSUS, except for goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60 and heading 9802.00.80. For subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duties apply to the value of repairs, alterations or processing performed in the United Kingdom and as described in the applicable subheading. For heading 9802.00.80, the additional duties apply to the value of the article less the cost or value of such products of the United States, as described in heading 9802.00.80.

Products of the United Kingdom that are provided for in heading 9903.90.07 and classified in one of the subheadings enumerated in note 28(b) to this subchapter shall continue to be subject to antidumping, countervailing or other duties (including duties imposed by

other provisions of subchapter III of this chapter and safeguard duties set forth in provisions of subchapter IV of this chapter), fees, exactions and charges that apply to such products, as well as to the additional duties imposed herein.

(b) Heading 9903.90.07 shall apply to all products of the United Kingdom that are classified in the subheadings enumerated below:

3213.90.00
3303.00.10
3303.00.20
3303.00.30
3304.10.00
3304.20.00
3304.30.00
3304.91.00
3304.99.10
3304.99.50
3305.10.00
3305.20.00
3305.30.00
3305.90.00
3306.90.00
3307.10.10
3307.10.20
3307.30.10
3307.30.50
3307.49.00
3307.90.00
4201.00.60
6104.43.20
6201.12.20
6201.92.45
6202.12.20
6202.13.40
6202.92.90
6204.43.40
6204.44.40
6204.49.10
6205.20.20
6215.10.00
6403.59.30
6403.59.90
6403.91.30
6403.99.60
6404.20.40
6903.90.00
6907.23.90
6907.30.90
6910.90.00
7113.11.50
7113.19.29
7113.19.50
7116.20.50
7117.19.90
8415.82.01
8418.40.00
8418.50.00
8418.69.01
8532.24.00
9001.10.00
9401.71.00
9403.10.00
9403.20.00
9403.40.90
9403.60.80
9403.89.60
9503.00.00
9504.50.00
9504.90.40
9504.90.60
9504.90.90
9508.10.00
9508.90.00
9603.29.80''.

2. by inserting the following new heading 9903.90.07 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled ''Heading/Subheading'', ''Article Description'', and ''Rates of Duty 1-General'', respectively:

Heading/subheading	Article description	Rates of duty		
		1		2
		General	Special	
''9903.90.07	''Articles the product of the United Kingdom, as provided for in U.S. note 28(a) to this subchapter and as provided for in the subheadings enumerated in U.S. note 28(b) to this subchapter.	The duty provided in the applicable subheading + 25%''.		

Annex B

Note: The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In all cases, the formal language in Annex A governs the tariff treatment of products covered by the action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviation ''nesoi'' means ''not elsewhere specified or included''.

HTSUS subheading	Product description
3213.90.00	Artists', students' or signboard painters' colors, in tablets, tubes, jars, bottles, pans or in similar packings, not in sets.
3303.00.10	Floral or flower waters, not containing alcohol.
3303.00.20	Perfumes and toilet waters, other than floral or flower waters, not containing alcohol.
3303.00.30	Perfumes and toilet waters, containing alcohol.
3304.10.00	Lip make-up preparations.
3304.20.00	Eye make-up preparations.
3304.30.00	Manicure or pedicure preparations.
3304.91.00	Beauty or make-up powders, whether or not compressed.
3304.99.10	Petroleum jelly put up for retail sale.
3304.99.50	Beauty or make-up preparations & preparations for the care of the skin, excl. medicaments but incl. sunscreen or sun tan preparations, nesoi.
3305.10.00	Shampoos.
3305.20.00	Preparations for permanent waving or straightening the hair.
3305.30.00	Hair lacquers.
3305.90.00	Preparations for use on the hair, nesoi.
3306.90.00	Preparations for oral or dental hygiene, including denture fixative pastes and powders, excluding dentifrices and yarn used to clean between the teeth (dental floss).
3307.10.10	Pre-shave, shaving or after-shave preparations, not containing alcohol.
3307.10.20	Pre-shave, shaving or after-shave preparations, containing alcohol.
3307.30.10	Bath salts, whether or not perfumed.

HTSUS subheading	Product description
3307.30.50	Bath preparations, other than bath salts.
3307.49.00	Preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites, nesoi.
3307.90.00	Depilatories and other perfumery, cosmetic or toilet preparations. Nesoi.
4201.00.60	Saddlery and harnesses for animals nesoi, (incl. traces, leads, knee pads, muzzles, saddle cloths and bags and the like), of any material.
6104.43.20	Women's or girls' dresses, knitted or crocheted, of synthetic fibers, nesoi.
6201.12.20	Men's or boys' overcoats, carcoats, capes, & similar coats of cotton, not knit or crocheted, not containing 15% or more by wt of down, etc.
6201.92.45	Men's or boys' anoraks, windbreakers & sim articles nesoi, not knit/crochet, cotton, not cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6202.12.20	Women's or girls' overcoats, carcoats, etc, not knitted or crocheted, of cotton, not containing 15% or more by weight of down, etc.
6202.13.40	Women's or girls' overcoats, carcoats, capes, cloaks and similar articles, not knitted or crocheted, of man-made fibers, nesoi.
6202.92.90	Women's/girls' anoraks, windbreakers & similar articles, nt knit/crochet, cotton, nt cont. 15% or more by wt of down, etc, o/than rec perf outwear.
6204.43.40	Women's or girls' dresses, not knitted or crocheted, of synthetic fibers, nesoi.
6204.44.40	Women's or girls' dresses, not knitted or crocheted, of artificial fibers, nesoi.
6204.49.10	Women's or girls' dresses, not knitted or crocheted, containing 70% or more by weight of silk or silk waste.
6205.20.20	Men's or boys' shirts, not knitted or crocheted, of cotton, nesoi.
6215.10.00	Ties, bow ties and cravats, not knitted or crocheted, of silk or silk waste.
6403.59.30	Footwear w/outer soles and uppers of leather, not covering the ankle, welt, nesoi.
6403.59.90	Footwear w/outer soles and uppers of leather, not cov. ankle, n/welt, for persons other than men, youths and boys.
6403.91.30	Footwear w/outer soles of rubber/plastics/composition leather & uppers of leather, covering the ankle, welt.
6403.99.60	Footwear w/outer soles of rubber/plastics/comp. leather & uppers of leather, n/cov. ankle, n/welt, for men, youths and boys, nesoi.
6404.20.40	Footwear w/outer soles of leather/comp. leath., n/o 50% by wt. rub./plast. or rub./plast./text. & 10%+ by wt. rub./plast., val. o/$2.50/pr.
6903.90.00	Refractory ceramic goods (o/than of siliceous fossil meals or earths), nesoi.
6907.23.90	Glazed ceramic flags and paving, hearth, or wall tiles, o/t subheading 6907.30 and 6907.40, of a H2O absorp coeff by wt >10%, nesoi.
6907.30.90	Glazed ceramic mosaic cubes nesoi, o/t subheading 6907.40.
6910.90.00	Ceramic (o/than porcelain or china) sinks, washbasins, baths, bidets, water closet bowls, urinals & siml. sanitary fixtures.
7113.11.50	Silver articles of jewelry and parts thereof, nesoi, valued over $18 per dozen pieces or parts.
7113.19.29	Gold necklaces and neck chains (o/than of rope or mixed links).
7113.19.50	Precious metal (o/than silver) articles of jewelry and parts thereo, whether or not plated or clad with precious metal,nesoi.
7116.20.50	Precious stone articles,nesoi.
7117.19.90	Imitation jewelry (o/than toy jewelry valued not over 8 cents per piece & rope, curb, cable, chain, and similar articles produced in continuous lengths), of base metal (wheth. or n/plated w/prec.metal), nesoi.
8415.82.01	Air conditioning machines incorporating a refrigerating unit, nesoi.
8418.40.00	Freezers of the upright type, not exceeding 900 liters capacity, electric or other.
8418.50.00	Refrigerating or freezing display counters, cabinets, showcases and similar refrigerating or freezing furniture.
8418.69.01	Refrigerating or freezing equipment nesoi.
8532.24.00	Ceramic dielectric fixed capacitors, multilayer.
9001.10.00	Optical fibers, optical fiber bundles and cables, other than those of heading 8544.
9401.71.00	Seats nesoi, w/metal frame (o/than of heading 9402), upholstered.
9403.10.00	Furniture (o/than 9401 or 9402) of metal nesoi, of a kind used in offices.
9403.20.00	Furniture (o/than 9401 or 9402) of metal nesoi, o/than of a kind used in offices.
9403.40.90	Furniture (o/than 9401 or 9402) of wood (o/than bentwood) nesoi, of a kind used in the kitchen & not designed for motor vehicl. Use.
9403.60.80	Furniture (o/than 9401 or 9402) of wood (o/than bentwood) nesoi.
9403.89.60	Furniture (o/than 9401 or 9402) of materials nesoi.
9503.00.00	Toys, including riding toys o/than bicycles, puzzles, reduced scale models.
9504.50.00	Video game consoles and machines, other than those of heading 9504.30.
9504.90.40	Game machines (o/than coin- or token-operated) and parts and accessories thereof.
9504.90.60	Chess, checkers, backgammon, darts and o/table and parlor games played on boards of a special design and parts thereof; poker chips and dice.
9504.90.90	Articles nesoi for arcade, table or parlor games & parts & access.; automatic bowling alley equipment & parts and accessories thereof.
9508.10.00	Traveling circuses and traveling menageries; parts and accessories thereof.
9508.90.00	Merry-go-rounds, boat-swings, shooting galleries and other fairground amusements; traveling theaters; parts and accessories thereof.
9603.29.80	Shaving brushes, hair brushes, nail brushes, eyelash and other toilet brushes for use on the person (o/than tooth brushes), valued o/40 cents each.

[FR Doc. 2021–11862 Filed 6–4–21; 8:45 am]

BILLING CODE 3290–F1–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0466]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Federal Aviation Administration (FAA) Unmanned Aircraft Systems (UAS) Support Center Case Management System (CMS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The Federal Aviation Administration (FAA) Unmanned Aircraft Systems (UAS) Support Center Case Management System (CMS) is being created to help streamline how stakeholders' questions are answered in a timely manner. Specifically, the Contact Customer Support form allows the public and other stakeholders to ask the FAA questions, as well as get the appropriate answer or information they need to operate their UAS or drone safely. The UAS Support Center has a publicly available form to submit inquiries. This form would be replacing the current web form to be used within the Salesforce solutions that allows UAS Integration Office additional technology to more efficient and streamline the UAS Support center business process. This form would allow the UAS Integration Office to collect the appropriate information about the stakeholder's name, preferred method of communications email address, phone number, zip code, type of flyer that would allow the Support Center Analysts to more efficiently answer the customer's specific question.

DATES: Written comments should be submitted by August 6, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket: *www.regulations.gov* (Enter docket number into search field)

By mail: Mark Hyatt, 490 L'Enfant Plaza, Suite 2206, Washington, DC 20024

By fax: 202–267–8249

FOR FURTHER INFORMATION CONTACT: Mark Hyatt by email at: *mark.hyatt@faa.gov;* phone: 202–267–3676.

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–XXXX.

Title: Federal Aviation Administration (FAA) Unmanned Aircraft Systems (UAS) Support Center Case Management System (CMS).

Form Numbers: Customer Inquiry form; Customer Inquiry Status Check Form.

Type of Review: New Information Collection.

Background: The Federal Aviation Administration (FAA) Unmanned Aircraft Systems (UAS) Support Center Case Management System (CMS) will streamline how respondents' questions will be answered. Specifically, the UAS Support Center CMS Customer Inquiry form allows the public and other stakeholders to ask the FAA questions, as well as get the appropriate answer/information that is needed to operate their UAS or drone safely. The UAS Support Center will have a publicly available form to submit inquiries. This form will allow the UAS Support Center to collect the appropriate information about the respondent's name (*i.e.,* first and last), preferred method of communications (*i.e.,* email or phone), email address, phone number, zip code (if needed), self-identification of type of flyer (*i.e.,* recreational, commercial/business, public safety, local government, educational/research, Eyewitness Report, I don't know, and other), the subject of the inquiry, and inquiry/question). This information will allow the UAS Support Center Analysts more information to efficiently answer the respondent's specific question.

The respondents public form process starts with submitting an inquiry by using the public webform, shared email inbox, or by calling the UAS Support Center Analysts. Once the public user submits an inquiry, they will receive an automated system email receipt that includes inquiry reference number, created date, ''tell us about yourself,'' subject, and their inquiry/question. The public users can also use the inquiry status public page to check their inquiry status. For a public user to check the status of an inquiry, the system requires the user to have and enter the reference number and email address that is used to when creating the inquiry. Once the system confirms that the email address and reference number match with the inquiry record that's currently in the system, it will display inquiry status and created date of the inquiry.

Respondents: Anyone may use the publicly available form to submit an inquiry. The respondent may submit any number of inquiries.

Frequency: N/A.

Estimated Average Burden per Response: Less than two minutes for a typical inquiry.

Estimated Total Annual Burden: The majority of respondents submit a one-time inquiry. The annual burden per respondent per inquiry is two minutes. Estimate around 22,000 inquiries per year equating to 44,000 minutes of total burden to the public per year.

Issued in Washington, DC.

Thomas Baker,

Manager, UAS Integration Office, Program and Data Management, AUS–410.

[FR Doc. 2021–11873 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before July 7, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-

addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 2, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		Special Permits Data—Granted	
5749–M	Chemours Company Fc LLC	173.315(a)	To modify the special permit to authorize a new distillate trailer.
11110–M	United Parcel Service Co	171.8, 175.75	To modify the special permit to authorize additional airlines to use the permit.
14782–M	Southern States, LLC	173.304a	To modify the special permit to act as an approval and to comply with the International Maritime Dangerous Goods Code.
20301–M	Tesla, Inc	172.101(j), 173.185(a)(1), 173.185(b)(3)(i), 173.185(b)(3)(ii).	To modify the special permit to authorize a new pressure relief design and to increase cell energy.
20706–M	Southern States, LLC	172.301(c), 173.304(a)	To modify the special permit to authorize the transportation in commerce of compressed sulfur hexafluoride gas in non-DOT specification packaging in accordance with IMDG Regulations.
20801–M	New Avon Company	172.315(a)(2)	To modify the special permit to authorize cargo vessel as a mode of transportation.
21080–N	Visuray LLC	173.222(c)(3)	To authorize the transportation in commerce of machinery/apparatus containing quantities of Division 2.2 gases in excess of what is authorized in 173.222.
21088–N	Logbatt Gmbh	173.24(g)	To authorize the manufacture, mark, sale, and use of packagings that vent for the purpose of transporting damaged, defective, and recalled batteries.
21105–M	US EPA Region 5	172.102(c)(1), 173.185(f)(1), 173.185(f)(3).	To modify the special permit to authorize the transportation of damaged, silicone-covered Maxell cells.
21139–N	KULR Technology Corporation	172.200, 172.700(a)	To authorize the transportation in commerce of lithium batteries with limited relief from the shipping papers and training required in 49 CFR Subparts C and H of Part 172 of the U.S. HMR when shipped in a thermal containment packaging manufactured by KULR for recycling.
21141–N	Pollution Control Inc	172.320, 173.56(b)	To authorize the transportation in commerce, for the purpose of disposal only, of certain waste energetic substances classed as Division 1.1D, subject to the packaging and special provisions prescribed herein.
21168–N	Nexair, LLC	172.203(a), 180.205(c), 180.209(a), 180.209(b)(1), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain Division 2.1 and 2.2 hazardous materials in DOT Specification 3AL cylinders, cylinders manufactured under DOT–SP 12440, and ISO 7866 cylinders that are requalified every ten years rather than every five years using 100% ultrasonic examination.
21174–N	LG Energy Solution, Ltd	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft.
21181–N	Terracycle Regulated Waste LLC.	172.102(c), 172.200, 172.300, 172.400, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To authorize the manufacture, marking, sale and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal.
21192–N	Vacco Industries		To authorize the transportation in commerce of non-DOT specification receptacles containing certain refrigerant gases housed within a satellite.
21194–N	Spaceflight, Inc	173.185(e)(3)	To authorize the transportation in commerce of prototype and low production lithium batteries contained in equipment in alternative packaging by ground transportation.
21200–N	National Aeronautics and Space Administration.	173.301(a)(1), 173.301(f)(1), 173.301(h)(3), 173.302(a)(1), 173.302(f)(2).	To authorize the transportation in commerce of non-DOT specification cylinders containing compressed air.
21204–N	Aegis Resource Management LLC.	172.400	To authorize the transportation in commerce of certain waste hazardous materials when utilizing alternate hazard communication.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21211–N	The Home Depot Inc	172.301(a)(1), 172.301(c), 172.301(d).	To authorize the transportation of hand sanitizer for donation in non-bulk combination packages without certain markings.
21213–N	Space Exploration Technologies Corp.	172.300, 172.400, 173.302(a)	To authorize the transportation in commerce of satellites containing krypton, compressed in non-DOT specification cylinders.
21220–N	Fireworks Over America	172.301(a)(1), 172.401(a)(2)	To authorize the transportation in commerce of fireworks classed as UN0355 by China as UN0431 within the US.
21223–N	Atlas Pyrovision Entertainment Group, Inc.	173.56	To authorize the transportation of pyrotechnic articles that are reclassed as fireworks.
21225–N	Praxair Distribution, Inc	173.301(f), 179.500–12	To authorize the transportation in commerce of dinitrogen tetroxide in multi-unit tank cars equipped with pressure relief devices.
Special Permits Data—Denied			
20705–M	Exhaust Center, Inc	177.834(h), 178.700(c)(1)	To modify the special permit to authorize three new tank designs.
21143–N	Tradewater LLC	172.700(a), 173.306(a)	To authorize the transportation in commerce of refrigerant gases in DOT 2Q receptacles as limited quantities by motor vehicle and rail without requiring training in accordance with Part 172 subpart H.
21170–N	Westwind Helicopters, Inc	172.101(j)	To authorize the transportation in commerce of certain hazardous materials by passenger-carrying aircraft in quantities that exceed the limitation in Column (9A) of the 172.101 Table.
Special Permits Data—Withdrawn			
21230–N	National Air Cargo Group, Inc	175.501(d)	To authorize the carriage of a Division 2.2 material exceeding the quantity limitations for cargo aircraft.
21236–N	Tesla, Inc	173.185(b)(1)	To authorize the transportation in commerce of lithium ion cells within alternative packaging.

[FR Doc. 2021–11877 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modifications to Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before June 22, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 2, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data			
11947–M	Patts Fabrication, Inc	173.241, 173.242, 173.243, 177.834(h).	To modify the special permit to authorize additional hazmat to be transported. (mode 1).

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
12240–M	Spence Air Service	172.101(j), 172.200, 172.204(c)(3), 172.301, 173.27(b)(1), 175.33, 175.75(b).	To modify the special permit to waive certain marking and shipping paper requirements. (mode 5).
13173–M	Luxfer Canada Limited	172.101(j), 173.302a(a)(1), 180.205(g).	To modify the special permit to authorize use the manufacture, marking, sale, and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders which are manifolded and permanently mounted in a protective frame for the transportation in commerce of the materials authorized by this special permit and authorize the use of a pneumatic proof pressure test for periodic requalification. (modes 1, 2, 3, 4).
13220–M	Entegris, Inc	173.302, 173.302c	To modify the special permit by authorizing additional carbon steels specified for the cylindrical shell of the pressure vessel. (modes 1, 2, 3).
14518–M	Federal Cartridge Company	172.301(c), 173.56(b), 173.62	To modify the special permit to authorize primers to be shipped without an EX approval. (mode 1).
16231–M	Thales Alenia Space	172.101(j), 173.301(f), 173.302a(a)(1), 173.304a(a)(2).	To modify the special permit to authorize additional 2.3 hazmat. (modes 1, 3, 4).
20279–M	City Carbonic LLC	180.207(d)(1)	To modify the special permit to remove specific manufacturer applicability to the manufacture of authorized cylinders. (modes 1, 2, 3, 4, 5).
21069–M	Catalina Composites, Inc	173.302a, 178.71(l)(1)	To modify the special permit to authorize ISO 9712 as alternative to ISO 11515:2013 Section 9.1.1 certification. (modes 1, 2, 3, 4).

[FR Doc. 2021–11876 Filed 6–4–21; 8:45 am]
BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–98–3599; PD–19(R)]

Hazardous Materials: The New York State Department of Environmental Conservation Requirements on Gasoline Transport Vehicles

AGENCY: Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT).

ACTION: Dismissal of petition for reconsideration of an administrative determination of preemption.

SUMMARY: This proceeding was initiated in February 1998, when the National Tank Truck Carriers, Inc. (NTTC) applied to the Pipeline and Hazardous Materials Safety Administration [1] (PHMSA) for a determination that the HMTA preempted certain marking and record keeping requirements of the New York State Department of Environmental Conservation (NYSDEC). PHMSA found that the HMTA preempted the NYSDEC requirements because the requirements were not substantively the same as requirements in the HMR on the marking, maintaining, repairing, or testing of a package or container that is represented, marked, certified, or sold as qualified for transporting hazardous material. NYSDEC's petition for reconsideration of that decision is dismissed on the grounds of mootness. NYSDEC has made significant revisions to its regulations, and the revised rules do not appear to impose the same requirements on regulated entities as the previous version of the rules that were challenged in this proceeding. It therefore does not appear that reconsidering PHMSA's preemption determination regarding the now-superseded NYSDEC rules would have any practical effect.

FOR FURTHER INFORMATION CONTACT: Vincent Lopez, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone No. 202–366–4400; Facsimile No. 202–366–7041.

SUPPLEMENTARY INFORMATION:

Petitioner: New York State Department of Environmental Conservation.

Local Law Affected: New York Codes, Rules and Regulations (NYCRR), Chapter 6, Sections 230.4(a)(3), 230.6(b) & (c).[2]

Applicable Federal Requirements: Federal Hazardous Material Transportation Law (HMTA), 49 U.S.C. 5101 *et seq.,* and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

Mode Affected: Highway.

I. Background

This proceeding was initiated in February 1998, when NTTC applied to PHMSA for a determination that the HMTA preempted certain marking and record keeping requirements of NYSDEC.

After NTTC filed its application, two key rulemakings occurred that delayed PHMSA's decision on NTTC's claims. The rulemakings, one initiated by PHMSA, and the other by the United States Environmental Protection Agency (EPA), although not related, addressed many of the issues raised in NTTC's application. The agencies' rulemaking activities spanned several years and culminated in December 2009, when EPA issued a rule change and clarification of its rules.[3]

[1] At the time of NTTC's application, PHMSA did not exist. PHMSA was created on February 20, 2005, when the Secretary of Transportation redelegated hazardous materials safety functions from the Research and Special Programs Administration (RSPA) to PHMSA's Administrator. For consistency, the terms ''PHMSA,'' ''the agency,'' and ''we'' are used throughout this decision, regardless of whether an action was taken by RSPA before February 20, 2005, or by PHMSA after that date.

[2] The NYSDEC repealed and replaced Part 230, with an effective date of February 11, 2021. The marking requirement in 6 NYCRR 230.4(a)(3), as amended, was recodified in 6 NYCRR 230.6(a)(2). The recordkeeping and retention requirements of 6 NYCRR 230.6(b) and (c), as amended, were recodified in 6 NYCRR 230.7(a)(1) and (a)(2), respectively.

[3] Final Rule, 73 FR 1916 (January 10, 2008); corrections, 73 FR 12275 (March 7, 2008); Final

Continued

Earlier in 2009, and subsequent to the publication of final rules in each of the PHMSA and EPA rulemakings, but before EPA's clarification of its rules, PHMSA issued its decision on NTTC's application. On January 23, 2009, PHMSA published in the **Federal Register** its determination of NTTC's application in Preemption Determination No. 19(R) (PD–19(R)), 74 FR 4291.[4] PHMSA found that the HMTA preempted the following NYSDEC requirements because the requirements were not substantively the same as requirements in the HMR on the marking, maintaining, repairing, or testing of a package or container that is represented, marked, certified, or sold as qualified for transporting hazardous material:

- 6 NYCRR 230.4(a)(3)—requirement that the marking must be a minimum two inches and contain ''NYS DEC'';
- 6 NYCRR 230.6(b)—requirement for maintaining a copy of the most recent pressure-vacuum test results with the gasoline transport vehicle; and
- 6 NYCRR 230.6(c)—requirement to retain pressure-vacuum test and repair results for two years.

Within the 20-day time period provided in 49 CFR 107.211(a), NYSDEC submitted a petition for reconsideration of PHMSA's decision in PD–19(R). NYSDEC asked PHMSA to rescind its preemption determination and dismiss the application by NTTC. In April 2009, PHMSA extended the period for comments on NYSDEC's petition due to the unusually long period it took for the agency to issue PD–19(R). This action was followed by another extended period of inactivity until August 26, 2010, when PHMSA reopened the period for comments on NYSDEC's petition for reconsideration to receive comments on EPA's rule changes. The matter has remained dormant since that time based on PHMSA's understanding that NYSDEC was planning to revise its regulations.

On February 12, 2020, NYSDEC proposed a rulemaking to repeal and replace 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles. Volume XLII, Issue 6, N.Y. Reg, 8 (February 12, 2020). The adopted requirements in 6 NYCRR Part 230, sections 230.6 and 230.7, became effective on February 11, 2021. These provisions contain revised versions of the requirements that were at issue in this proceeding for marking gasoline transport vehicles and recordkeeping and reporting requirements.

II. Dismissal on Grounds of Mootness

NYSDEC's legislative changes to its rules have rendered moot NYSDEC's petition for reconsideration of PHMSA's 2009 preemption determination.

NYSDEC, in its February 12, 2020, rulemaking proposal, required pressure-vacuum cargo tank testing and markings that align with DOT's testing and marking requirements. NYSDEC indicated that the proposed amendments would make the requirements consistent on the state and federal level. Furthermore, NYSDEC proposed to revise the gasoline transport vehicle recordkeeping retention requirements from 2 years to 5 years in order to align with the current version of the EPA's recordkeeping requirement located at 40 CFR part 63 subpart CCCCCC.

The recently adopted requirements in 6 NYCRR Part 230, sections 230.6 and 230.7, became effective on February 11, 2021. These provisions contain the requirements that were at issue in this proceeding for marking gasoline transport vehicles and recordkeeping and reporting requirements. The provision for the marking of gasoline transport vehicles states:

> (a) No owner or operator of a gasoline transport vehicle may transport gasoline or allow the vehicle to be filled or emptied in New York State unless the gasoline transport vehicle meets:
>
> (1) the federal Department of Transportation (DOT) requirements for leak testing as required by 49 CFR 180.407(h) (see Table 1, Section 200.9 of this Title); and
>
> (2) the federal DOT requirements for test markings as required by 49 CFR 180.415 (see Table 1, Section 200.9 of this Title).

6 NYCRR 230.6.

The recordkeeping and reporting provision states:

> (a) The owner of any gasoline transport vehicle subject to the leak testing requirements outlined in section 230.6(a) of this Part shall keep:
>
> (1) leak testing records with information as prescribed by 49 CFR 180.417(b)(1) and (2) (see Table 1, Section 200.9 of this Title) for 5 years; and
>
> (2) a copy of the most recent leak testing results with the gasoline transport vehicle.

6 NYCRR 230.7.

In light of the facts and circumstances described above, it is apparent the NYSDEC rules that PHMSA found were preempted under the HMTA—and subject of NYSDEC's petition for reconsideration—have been significantly revised. On their face, the revised rules do not appear to impose the same requirements on regulated entities as the previous version of the rules that were challenged in this proceeding. Consequently, it would be inappropriate for PHMSA to render a decision on a petition for reconsideration that was filed more than a decade ago, for relief from the agency's preemption determination that was based on a previous version of NYSDEC's pressure-vacuum cargo tank testing and markings requirements when those requirements have recently undergone significant revisions. It appears that issuing a decision on the petition for reconsideration would have no practical effect on any party.

III. Ruling

For the reasons set forth above, NYSDEC's petition for reconsideration is dismissed because the issues raised in the petition are moot.

Going forward, any person directly affected by the revised NYSDEC rules (including a State, political subdivision of a State, or Indian tribe) may apply to PHMSA for a decision on whether the revised rules are preempted by the HMTA. 49 U.S.C. 5125(d); 49 CFR 107.203. Similarly, any person who thinks there is a practical reason for PHMSA to revisit its preemption decision regarding the now-superseded rules may apply to PHMSA for a new decision on that question.

Issued in Washington, DC, on May 26, 2021.

Vasiliki Tsaganos,

Acting Chief Counsel.

[FR Doc. 2021–11494 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–60–P

Rule with amendments and clarifications, 76 FR 4156 (January 24, 2011).

[4] As published in the **Federal Register**, the agency's January 23, 2009 determination in PD–19(R) indicated an incorrect docket number (99–3559, instead of 98–3559).

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of

the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 7, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–13, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 2, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21227–N	Apollo Fusion, Inc	173.302	To authorize the transportation in commerce of Xenon in non-DOT specification cylinders. (mode 1).
21231–N	Patrick J. Kelly Drums, Inc	173.28(b)	To authorize the recondition of UN specification metal drums that have minimum steel thicknesses below those now authorized in 49 CFR § 173.28(b)(4). (modes 1, 2, 3, 4, 5).
21232–N	Scandinavian Airlines System Denmark-Norway-Sweden.	175.75(c)	To authorize the transportation in commerce of aviation fuel contained in a fuel tank by passenger-carrying aircraft in quantities that exceed the limitation for materials loaded in an inaccessible manner. (mode 5).
21233–N	Airopack B.V	178.33b–6(a)	To authorize the manufacture, mark, sale, and use of DOT 2S inner containers manufactured from recycled materials. (modes 1, 2, 3, 4, 5).
21234–N	Air Liquide Advanced Materials Inc.	173.301	To authorize the transportation in commerce of Dichlorosilane in non-DOT specification cylinders. (modes 1, 3).
21235–N	United States Dept. of Energy	173.413, 173.416	To authorize the transportation in commerce of certain Class 7 materials in alternative packaging. (mode 1).
21237–N	Mauser USA, LLC	178.503(a)(3)(ii)	To authorize the use of certain 1H1 plastic drums with markings that do not include the "Y" letter identifying that the packagings have been successfully tested to meet the Packing Group II performance standard. (modes 1, 2, 3, 4, 5).
21238–N	Target Stores, Inc	172.315(a)(2)	To authorize the transportation in commerce of limited quantities of hazardous materials that are marked with a limited quantity marking having dimensions of 25 mm by 25 mm. (modes 1, 2).
21240–N	Volkswagen Group of America Chattanooga Operations, LLC.	172.101(j), 173.185(b)(1)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft in alternative packaging. (mode 4).
21241–N	ZF Airbag Germany Gmbh	173.301(h), 173.302a(a)	To authorize the manufacture, mark, sale and use of non-DOT specification pressure vessels for use as components of safety systems and explosive articles. (modes 1, 2, 3, 4, 5).
21242–N	Myers Container, LLC	178.503(a)(10)	To authorize the use of specification steel drums exceeding 100 L where the specification marking on the bottom of the drum indicates a different year of manufacture than the top/side. (modes 1, 2, 3, 4, 5).
21244–N	Contrivance Incorporated	172.203(a), 172.301(c), 180.211(c)(2)(i).	To authorize the repair of certain DOT 4L cylinders without requiring pressure testing. (modes 1, 2, 3, 4, 5).

[FR Doc. 2021–11878 Filed 6–4–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Internal Revenue Service Advisory Council (IRSAC); Nominations

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Request for Nominations.

SUMMARY: The Internal Revenue Service (IRS) is seeking new members to serve on the Internal Revenue Service Advisory Council (IRSAC). Applications are currently being accepted for appointments that will begin in January 2022. IRSAC members are drawn from substantially diverse backgrounds representing a cross-section of the taxpaying public with substantial, disparate experience in: Tax preparation for individuals, small businesses and large, multi-national corporations; tax-exempt and government entities; and information reporting. Nominations of qualified individuals may come from individuals or organizations; applications should describe and document the proposed member's qualifications for IRSAC.

DATES: Applications must be received on or before July 9, 2021.

ADDRESSES: Applications should be submitted to IRS National Public Liaison via email to *publicliaison@irs.gov* or electronic fax to 855–811–8021. Application packages are

available on the IRS website at *https://www.irs.gov/tax-professionals/open-season-for-membership-in-the-internal-revenue-service-advisory-council-irsac-1.*

FOR FURTHER INFORMATION CONTACT: Anna Brown at 202–317–6564 (not a toll-free number) or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: In particular, the IRSAC is seeking applicants with knowledge and background in some of the following areas:

Information Reporting—Service provider, banking industry and/or insurance industry background with experience filing information returns

Large Business & International—International tax expertise; experience as a certified public accountant or tax attorney working in or for a large, sophisticated organization; experience working in-house at a major firm dealing with complex organizations

Small Business & Self-Employed—Knowledge or experience with virtual currency/cryptocurrency and/or peer to peer payment applications; knowledge of passthrough entities and/or fiduciary tax; experience with online or digital businesses, audit representation, and/or educating on tax issues and topics

Tax Exempt & Government Entities—Experience with exempt organizations and/or employee plans

Wage & Investment—Knowledge of tax law application/tax preparation experience, income tax issues related to refundable credits, the audit process, and/or how information returns are used and integrated for compliance; experience educating on tax issues and topics, with multi-lingual taxpayer communications, with taxpayer advocacy or contact center operations, marketing/applying industry benchmarks to operations, with tax software industry, and/or with the creation or use of diverse information returns used to report income, deductions, withholding, or other information for tax purposes; familiarity with IRS tax forms and publications; financial services information technology background with knowledge of technology innovations in public and private customer service sectors.

The IRSAC serves as an advisory body to the Commissioner of Internal Revenue and provides an organized public forum for discussion of relevant tax administration issues between IRS officials and representatives of the public. The IRSAC proposes enhancements to IRS operations, recommends administrative and policy changes to improve taxpayer service, compliance and tax administration, discusses relevant information reporting issues, addresses matters concerning tax-exempt and government entities, and conveys the public's perception of professional standards and best practices for tax professionals.

IRSAC holds approximately four, two-day working sessions and at least one public meeting per year. Members are not paid for their services; any travel expenses are reimbursed within federal government guidelines.

Appointed by the Commissioner of Internal Revenue with the concurrence of the Secretary of the Treasury, IRSAC members will serve three-year terms to allow for a rotation in membership which ensures that different perspectives are represented. In accordance with the Department of Treasury Directive 21–03, a clearance process, including annual tax compliance checks and a practitioner check with the IRS Office of Professional Responsibility, will be conducted. In addition, all applicants deemed ''Best Qualified'' shall undergo a Federal Bureau of Investigation fingerprint check.

The IRSAC is authorized under the Federal Advisory Committee Act, Public Law 92–463. The first Advisory Group to the Commissioner of Internal Revenue—the Commissioner's Advisory Group—was established in 1953 as a ''national policy and/or issue advisory committee.'' Renamed in 1998, the Internal Revenue Service Advisory Council (IRSAC) reflects the agency-wide scope of its focus as an advisory body to the entire agency.

All applicants will be sent an acknowledgment of receipt.

Equal opportunity practices will be followed for all appointments to the IRSAC in accordance with the Department of Treasury and IRS policies. The IRS has special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities have an opportunity to serve on advisory committees. Therefore, the IRS extends particular encouragement to nominations from such appropriately qualified candidates.

Dated: May 26, 2021.

John A. Lipold,

Designated Federal Official, IRSAC.

[FR Doc. 2021–11451 Filed 6–4–21; 8:45 am]

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