

exposed to the WTC dust cloud on the day the towers collapsed. Petitioners also criticize much of the data collected on WTC dust samples (both settled dust and worker breathing-zone samples) that were evaluated to understand exposures and insist that other testing of samples was or should have been conducted. They argue that many of the studies of WTC dust were inappropriate or invalid because they did not use test methods petitioners believe to be more appropriate and hypothesize about the likely results of testing using their preferred protocols. However, these arguments are speculative, and the Agency cannot rely on the petitioners' conjectures and speculations as the basis for a regulation. While more systematic collection of human exposure and other data concerning the WTC disaster and its aftermath may have provided a better basis for evaluating WTC exposures, the Agency must rely on the data that do exist.

Petitioners also fail to connect any particular WTC exposures to waste management activities. That is, not all WTC worker and other exposures were exposures to waste, but petitioners do not identify particular exposures as resulting from waste or waste management, and distinguish them from exposures unrelated to waste management activities (such as exposure to the dust cloud on the day the towers collapsed). Identifying exposures resulting from waste management is a necessary part of petitioner arguments to revise the corrosivity regulation, as RCRA gives the Agency authority only to control waste and waste management and its resulting hazards. The Agency's conclusion after examining the existing data related to this issue is that based on available data, it is not possible to identify WTC exposures that may be related to waste management as distinct from activities and exposures unrelated to waste management. Absent a connection to waste management activities, RCRA does not apply. The petitioners have also not explained their assertion that more stringent RCRA corrosivity regulation would have reduced WTC worker exposures and hazards, nor how their requested revision of the RCRA corrosivity regulation now would reduce risks in a future event.

Other exposures cited by the petitioners as supporting the need for revision of the corrosivity regulations (exposure to CKD and building demolition dust) similarly have also not been found to cause corrosive injury. Petitioners also identify a Superfund site not considered in developing the

tentative denial, where caustic soda (sodium hydroxide) and hydrofluoric acid were found to be mishandled but were removed from the site and disposed before NPL listing, although some residual material was found. However, the lack of pH testing or other detailed reporting of this material makes it difficult to evaluate its relevance to the petitioners' requests. No off-site contamination, ecological damage or injuries were identified.

In consideration of the information and arguments submitted to the Agency in response to its tentative denial of the petitioners' rulemaking request, and the Agency's evaluation and other relevant information identified by the Agency, as described above and in the Response to Comments document accompanying today's Notice, the Agency has determined that because changes to the existing RCRA corrosivity characteristic regulation are not supported by the available information, such changes are unwarranted. Consequently, the Agency denies the PEER/Jenkins Rulemaking petition to revise the RCRA corrosivity regulation in its entirety.

#### List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Incorporation by reference, Recycling, Reporting and recordkeeping requirements, Recycling.

#### Barry Breen,

*Acting Assistant Administrator, Office of Land and Emergency Management.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R09-RCRA-2021-0047; FRL-10024-12-Region 9]

#### Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is granting Nevada final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a Proposed Rule on April 5, 2021, and sought public comment. No comments were received on the proposed revisions. No further opportunity for comment will be provided.

**DATES:** This final authorization is effective June 15, 2021.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-RCRA-2021-0047. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Sorcha Vaughan, [Vaughan.Sorcha@epa.gov](mailto:Vaughan.Sorcha@epa.gov), 415-947-4217.

#### SUPPLEMENTARY INFORMATION:

##### A. What changes to Nevada's hazardous waste program is the EPA authorizing with this action?

On January 8, 2021, Nevada submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. The EPA now makes a final decision that Nevada's hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the April 5, 2021, *Federal Register* at 86 FR 17572.

##### B. What is codification and is the EPA codifying the Nevada's hazardous waste program as authorized in this rule?

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

##### C. Statutory and Executive Order Reviews

This final authorization revises Nevada's authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no

requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable executive orders and statutory provisions, please see the Proposed Rule published in the April 5, 2021, **Federal Register** at 86 FR 17572. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action will be effective June 15, 2021.

#### List of Subjects in 40 CFR Part 271

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

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

Dated: June 1, 2021.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### 47 CFR Part 302

[Docket No. 210608-0124]

RIN 0660-AA36

#### Connecting Minority Communities Pilot Program

**AGENCY:** National Telecommunications and Information Administration (NTIA), Department of Commerce (DOC).

**ACTION:** Final rule.

**SUMMARY:** The Consolidated Appropriations Act of 2021 (the “Act”) appropriated \$285 million to the National Telecommunications and Information Administration (NTIA) to establish the Connecting Minority Communities (CMC) Pilot Program. The CMC Pilot Program will provide grants to eligible historically Black colleges or universities (HBCUs); Tribal Colleges or Universities (TCUs); and Minority-serving institutions (MSIs) in anchor communities for broadband internet access service, equipment, or to hire information technology personnel to facilitate educational instruction including remote instruction, and to lend or provide equipment to eligible students or patrons. This final rule describes NTIA’s programmatic scope, eligibility criteria, and general guidelines for the CMC Pilot Program as authorized by the Act. NTIA will subsequently publish a Notice of Funding Opportunity (NOFO) on [www.grants.gov](http://www.grants.gov) that will provide more details regarding the CMC eligibility guidelines, application instructions, and program requirements.

**DATES:** This final rule is effective on June 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Scott Woods, Senior Broadband Program Specialist, telephone: (202) 306-3096, email: [Swoods@ntia.gov](mailto:Swoods@ntia.gov); or Francine Alkisswani, Telecommunications Policy Analyst, telephone: (202) 482-5560, email: [FAlkisswani@ntia.gov](mailto:FAlkisswani@ntia.gov), Office of Telecommunications and Information Applications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4878, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Background
- II. Statutory Requirements
- III. Regulatory Analyses & Notices

#### I. Background

NTIA, the Executive Branch agency principally responsible for advising the President on telecommunications and information policy issues, launched its Minority Broadband Initiative (MBI) in November 2019 as an integral part of NTIA’s mission and commitment to expanding broadband internet access and adoption in America. With the MBI, NTIA took the lead on minority stakeholder engagement on broadband deployment in unserved and underserved areas of the country through initially partnering with HBCUs

and TCUs. The Consolidated Appropriations Act, 2021, Division N, Title IX, Section 902, Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020), codifies the work of the MBI by directing NTIA to establish the Office of Minority Broadband Initiatives, expanding the Agency’s reach to engage MSIs, and to promulgate rules establishing the CMC Pilot Program. The purpose of the Act is to realize the potential of HBCU, TCU, and MSI institutions that will aid in America’s economic development, growth of social capital and increased productivity. NTIA will build and expand upon its relationships with HBCU, TCU and MSI institutions to both fulfill the duties of the Office of Minority Broadband Initiatives and to implement the CMC Pilot Program.

Moreover, NTIA’s mission is to foster robust broadband access, connectivity and adoption as these are essential elements to support the nation’s economic growth and social advancement. NTIA believes that broadband is a conduit for economic development and social opportunities for U.S. households and a gateway to increased productivity, growth and market access for businesses of all sizes. Yet, many American communities, households and critical anchor institutions lack sufficient broadband connectivity and experience significant challenges with digital inclusion, adoption, access and equity, specifically within vulnerable communities, communities of color, and with students at HBCUs, TCUs and MSIs. The COVID-19 pandemic has exacerbated these inequities for students, faculty and staff at HBCUs, TCUs and MSIs.

To address these critical issues, Congress passed the Act to enhance and expand certain provisions of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”).<sup>1</sup> In the Act, Congress directed NTIA to provide grants to eligible recipients in anchor communities for the purchase of broadband internet access service or any eligible equipment, or to hire and train information technology personnel: (1) To facilitate educational instruction and learning, including through remote instruction; or (2) to operate a minority business enterprise; or (3) to operate a tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended. Through this CMC Pilot Program, NTIA will directly address the lack of broadband access, connectivity, adoption and equity at our

<sup>1</sup> See Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, 134 Stat. 281 (Mar. 27, 2020).