



FEDERAL REGISTER

Vol. 86

Friday

No. 125

July 2, 2021

Pages 35217–35382

OFFICE OF THE FEDERAL REGISTER



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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0509; Project Identifier AD-2021-00608-E; Amendment 39-21626; AD 2021-11-51]

RIN 2120-AA64

Airworthiness Directives; International Aero Engines AG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, and V2533-A5 model turbofan engines. This AD was prompted by a review of investigative findings from an event involving an uncontained failure of a high-pressure turbine (HPT) 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. This AD requires an ultrasonic inspection (USI) of affected HPT 1st-stage disks and HPT 2nd-stage disks and, depending on the results of the USI, removal of the affected HPT 1st-stage and HPT 2nd-stage disks from service. The FAA previously sent an emergency AD to all known U.S. owners and operators of these engines and is now issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 19, 2021. Emergency AD 2021-11-51, issued on May 21, 2021, which contained the requirements of this amendment, was effective with actual notice.

The Director of the Federal Register approved the incorporation by reference of certain publications identified in this AD as of July 13, 2021 (86 FR 30380, June 8, 2021).

The FAA must receive comments on this AD by August 16, 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: International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (860) 565-2391; email: help24@pw.utc.com; website: <http://fleetcare.pw.utc.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0509.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0509; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7329; fax: (781) 238-7999; email: Alberto.J.Hernandez@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2021, the FAA issued Emergency AD 2021-11-51 (the emergency AD), which requires a USI of affected HPT 1st-stage disks and HPT 2nd-stage disks installed on IAE V2522-

A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, and V2533-A5 model turbofan engines and, depending on the results of the USI, removal of the affected HPT disks from service. The FAA sent the emergency AD to all known U.S. owners and operators of these engines. That action was prompted by a review of investigative findings from an event involving an uncontained failure of an HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. This condition, if not addressed, could result in uncontained HPT failure, release of high-energy debris, damage to the engine, damage to the airplane, and loss of the airplane.

FAA's Determination

The FAA is issuing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 14 CFR Part 39

The FAA reviewed IAE Non-Modification Service Bulletin (NMSB) V2500-ENG-72-0713, Revision 1, dated January 26, 2021 (IAE NMSB V2500-ENG-72-0713). IAE NMSB V2500-ENG-72-0713 specifies procedures for performing an ultrasonic inspection of the HPT 1st-stage disk and the HPT 2nd-stage disk installed on IAE V2500-A5 and V2500-D5 series engines.

The FAA also reviewed IAE NMSB V2500-E5-72-0015, dated December 15, 2020 (IAE NMSB V2500-E5-72-0015). IAE NMSB V2500-E5-72-0015 specifies procedures for performing an ultrasonic inspection of the HPT 1st-stage disk and the HPT 2nd-stage disk installed on V2500-E5 series engines.

The Director of the Federal Register approved IAE NMSB V2500-ENG-72-0713 and IAE NMSB V2500-E5-72-0015 for incorporation by reference as of July 13, 2021 (86 FR 30380, June 8, 2021). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in

ADDRESSES.

AD Requirements

This AD requires a USI of affected HPT 1st-stage disks and HPT 2nd-stage disks installed on IAE V2522-A5,

V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 model turbofan engines and, depending on the results of the USI, removal of the affected HPT disks from service.

Interim Action

The FAA considers this AD interim action. The root cause of this event is still under investigation.

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 required the immediate adoption of Emergency AD 2021–11–51, issued on May 21, 2021, to all known U.S. owners and operators of these engines. The FAA has found that the risk to the flying public justified forgoing notice and comment prior to adoption of this rule.

On March 18, 2020, an Airbus Model A321–231 airplane, powered by IAE V2533–A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. The uncontained failure of the HPT 1st-stage disk resulted in high-energy debris penetrating the engine cowling. The FAA published Emergency AD 2020–07–51 on March 21, 2020 (followed by publication in the **Federal Register** on April 13, 2020, as a Final Rule, Request for Comments (85 FR 20402)), to remove from service HPT 1st-stage disks identified as having the highest risk of failure. Based on a review

of investigative findings performed since that event, the manufacturer has identified a different population of affected HPT 1st-stage and HPT 2nd-stage disks that are affected by the same unsafe condition and require USI and, depending on the results of the USI, removal from service.

The FAA considers removal of high-risk HPT 1st-stage and 2nd-stage disks to be an urgent safety issue. The USI of the affected HPT disks must be accomplished within 10 flight cycles after the effective date of this AD to identify HPT 1st-stage and 2nd-stage disks at risk of failure and to maintain an acceptable level of safety. This unsafe condition may result in loss of the airplane. These conditions still exist, and therefore, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA finds 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 the Docket No. FAA–2021–0509 and Project Identifier AD–2021–00608–E at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 2 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Ultrasonic inspection (includes actions necessary to disassemble the engine).	204 work-hours × \$85 per hour = \$17,340.	\$0	\$17,340	\$34,680

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the inspection. The agency has no way of determining the number of

aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the HPT 1st-stage disk or HPT 2nd-stage disk.	0 work-hours × \$85 per hour = \$0	\$300,000	\$300,000

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–11–51 International Aero Engines

AG: Amendment 39–21626; Docket No. FAA–2021–0509; Project Identifier AD–2021–00608–E.

(a) Effective Date

This airworthiness directive (AD) is effective without actual notice on July 19, 2021. Emergency AD 2021–11–51, issued on May 21, 2021, which contained the requirements of this amendment, was effective with actual notice.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 model turbofan engines with:

(1) A high-pressure turbine (HPT) 1st-stage disk, part number (P/N) 2A5001, with serial number (S/N), PKLBR34908, PKLBR59989, PKLBR83471, PKLBSC9996, PKLBSG0105, PKLBSG9043 or PKLBSH1829, installed; or

(2) An HPT 2nd-stage disk, P/N 2A4802, with S/N PKLBR87800, PKLBR88708, PKLBR89452, PKLBSA9907, PKLBSH9246, PKLBSC8066, PKLBSC8077, or PKLBSG2213, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a review of investigative findings from an event involving an uncontained failure of an HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. The FAA is issuing this AD to prevent failure of the HPT. The unsafe condition, if not addressed, could result in uncontained HPT failure, release of high-energy debris, damage to the engine, damage to the airplane, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For affected engines with an installed HPT 1st-stage disk listed in Table 1 to paragraph (g)(1) of this AD, within 10 flight cycles after the effective date of this AD, perform an ultrasonic inspection (USI) of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE Non-Modification Service Bulletin (NMSB) V2500–ENG–72–0713, Revision 1, dated January 26, 2021 (IAE NMSB V2500–ENG–72–0713).

Table 1 to Paragraph (g)(1) – HPT 1st-Stage Disk with Known Engine Installations

Engine Serial Number	HPT 1st-Stage Disk Serial Number
V11020	PKLBSC9996
V12788	PKLBR59989
V13037	PKLBSH1829
V15159	PKLBR34908
V16796	PKLBSC9043
V16799	PKLBSC0105
V16912	PKLBR83471

(2) For affected engines with an installed HPT 2nd-stage disk listed in Table 2 to paragraph (g)(2) of this AD, within 10 flight

cycles after the effective date of this AD, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions,

paragraph 7, of IAE NMSB V2500-ENG-72-0713.

Table 2 to Paragraph (g)(2) – HPT 2nd-Stage Disk with Known Engine Installation

Engine Serial Number	HPT 2nd-Stage Disk Serial Number
V11901	PKLBSC2213
V12308	PKLBSC9246
V12644	PKLBSC8066
V13111	PKLBR89452
V15434	PKLBR88708
V15737	PKLBSC8077
V16085	PKLBSA9907
V17869	PKLBR87800

(3) If, during the USI required by paragraphs (g)(1) and (2) of this AD, an HPT 1st-stage disk or HPT 2nd-stage disk does not pass the USI as specified in the Accomplishment Instructions, paragraph 8., of IAE NMSB V2500-ENG-72-0713, Revision 1, before further flight, remove the HPT 1st-stage disk or 2nd-stage disk, as applicable, from service and replace with a part eligible for installation.

(h) Definition

For the purpose for this AD, a “part eligible for installation” is:

(1) An HPT 1st-stage disk or HPT 2nd-stage disk listed in Appendix A, Tables 1 and 2, of IAE NMSB V2500-ENG-72-0713, or Appendix A, Tables 1 and 2, of IAE NMSB V2500-E5-72-0015, dated December 15, 2020 (IAE NMSB V2500-E5-72-0015) that has passed the USI as specified in the Accomplishment Instructions, paragraph 8., of IAE NMSB V2500-ENG-72-0713 or NMSB V2500-E5-72-0015, or

(2) An HPT 1st-stage disk or HPT 2nd-stage disk that is not listed in Appendix A, Tables 1 and 2, of IAE NMSB V2500-ENG-72-0713

or Appendix A, Tables 1 and 2, of IAE NMSB V2500-E5-72-0015.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781)

238-7329; fax: (781) 238-7999; email: Alberto.J.Hernandez@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.

(3) The following service information was approved for IBR on July 13, 2021 (86 FR 30380, June 8, 2021).

(i) IAE Non-Modification Service Bulletin (NMSB) V2500-ENG-72-0713, Revision 1, dated January 26, 2021.

(ii) IAE NMSB V2500-E5-72-0015, dated December 15, 2020.

(4) For International Aero Engines service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (860) 565-2391; email: help24@pw.utc.com; website: <http://fleetcare.pw.utc.com>.

(5) You may view this service information at FAA, Airworthiness Products Section,

Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759.

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

Issued on June 18, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-14268 Filed 6-30-21; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2020-0701; Airspace Docket No. 20-ASO-19]

RIN 2120-AA66

Establishment of Class D Airspace and Amendment of Class E Airspace; Nashville, TN; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Aviation Administration (FAA) is correcting a final rule that appeared in the **Federal Register** on December 1, 2020, establishing Class D and E airspace for John C. Tune Airport, Nashville, TN. This action corrects the legal description of the Class D airspace by amending the ceiling to 2,500 feet, adding the Class E extensions to the Class D description, and adjusting the extension bearings. In addition, this action removes the Class E airspace designated as an extension to a Class D or Class E surface area, established in the final rule.

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.

FOR FURTHER INFORMATION, CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (85 FR 76958; December 1, 2020) for Docket FAA-2020-0701 establishing Class D airspace and Class E airspace designated as an extension to a Class D or Class E surface area, and amending Class E airspace extending upward from 700 feet above the surface. Subsequent to publication, the FAA identified errors in how the Class D airspace is described, as well as determining the Class E surface extensions needed to be added to the Class D description. This action corrects these errors.

Class D and Class E airspace designations are published in Paragraph 5000, 6004 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment of the Class D Airspace and Class E Airspace; Nashville, TN, published in the **Federal Register** of December 1, 2020 (85 FR 76958), FR Doc. 2020-26439, is corrected as follows:

§ 71.1 [Corrected]

■ 1. On page 76958, in the second column, beginning on line 49, the subject heading is corrected to read as follows: Establishment of Class D and Amendment of Class E Airspace; Nashville, TN.

§ 71.1 [Corrected]

■ 2. On page 76959, in the first column, beginning on line 53, the description of the airspace is corrected to read as follows: establishes Class D airspace for John C. Tune Airport, Nashville, TN, as a new air traffic control tower shall service the airport.

§ 71.1 [Corrected]

■ 3. On page 76959, in the third column, beginning on line 22, the description of the Class D airspace is corrected to read as follows:

That airspace upward from the surface to and including 2,500 feet MSL within a 4.1-mile radius of John C. Tune Airport, and within 1.2-miles each side of the 195° bearing from the airport, extending from the 4.1-mile radius to 6.1-miles south of the airport, and within 1.2-miles each side of the 015° bearing from the airport, extending from the 4.1-mile radius to 6.1-miles north of the airport. This Class D airspace area is effective during the specific dates and times established in

advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

§ 71.1 [Corrected]

■ 4. On page 76959, in the third column, remove lines 31 through 45, without replacement.

Issued in College Park, Georgia, on June 28, 2021.

Matthew N. Cathcart,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021-14164 Filed 7-1-21; 8:45 am]

BILLING CODE 4910-13-P

RAILROAD RETIREMENT BOARD

20 CFR Part 200

RIN 3220-AB70

General Administration: Availability of Information to the Public

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule with request for comments.

SUMMARY: The Railroad Retirement Board (RRB) amends its regulations to comply with the requirements of the Freedom of Information Act (FOIA) Improvement Act of 2016 and to make certain corrections. In addition, this rule amends certain provisions in the fee section to reflect developments in the law and to streamline the description of the factors considered when making fee waiver determinations.

DATES:

Effective date: This rule is effective July 2, 2021.

Comment due date: Comments are due by August 2, 2021.

ADDRESSES: You may send comments, identified by RIN 3220-AB70, by any of the following methods:

Email: SecretarytotheBoard@RRB.gov. Include RIN 3220-AB70 in the subject line of the message.

Mail: Secretary to the Board, Railroad Retirement Board, 844 N Rush St., Chicago, IL 60611-1275.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Marguerite P. Dadabo, (312) 751-4945,

TTD (312) 751-4701,
Marguerite.Dadabo@rrb.gov.

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board (RRB) amends 20 CFR 200.4 to comply with the FOIA Improvement Act of 2016 (Pub. L. 114-185). The amendments address procedures for notifying requesters of availability of assistance and/or for engaging in dispute resolution through the FOIA Public Liaison and the Office of Government Information Services (OGIS), and extend the time to file an administrative appeal to 90 days. In addition, the amendments to § 200.4 provide procedures for determining when fees for FOIA requests should be waived or reduced, how requesters may seek fee waivers, and when restrictions on charging fees should apply. The amendment also provides procedures for requesting expedited processing where compelling need is shown. The amendment also adds a category of documents that are available for public inspection. The amendment corrects various typographical errors or changes in nomenclature. Lastly, consistent with current policy of the RRB, this amendment replaces the word “Board” with “RRB” in those instances where the text refers to the agency rather than the three-member Board.

Public Participation

The RRB is issuing an interim rule to make these revisions in the RRB’s FOIA regulations, because these changes merely bring the regulations into alignment with the provisions contained in the FOIA Improvement Act of 2016 and with current case law and to clarify the procedure the RRB uses with respect to fee determinations. This approach allows these regulatory changes to take effect sooner than would otherwise be possible with the publication of a notice of proposed rulemaking in advance. Nevertheless, the RRB welcomes public comments from any interested person on any aspect of the changes made by this interim final rule. Please refer to the **ADDRESSES** section above. The RRB will carefully consider all public comments in the drafting of the final rule.

Please note that all comments received are considered part of the public record. The information made available includes personal identifying information (such as name and address) voluntarily submitted by the commenter. If you want to submit personal identifying information (such as your name and address) as part of your comment, but do not want it to be posted online, you must include the phrase “PERSONAL IDENTIFYING

INFORMATION” in the first paragraph of your comment. You also must locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted. If you want to submit confidential business information as part of your comment, but do not want it to be posted online, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You also must prominently identify any confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted. Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online. If you wish to inspect the agency’s public docket file in person, please see the **FOR FURTHER INFORMATION CONTACT** section above to schedule an appointment.

Statutory and Executive Order Reviews

Administrative Procedure Act

The RRB’s implementation of this rule as an interim final rule, with provision for post-promulgation public comment, is based on section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b). Under section 553(b), an agency may issue a rule without notice of proposed rulemaking and the pre-promulgation opportunity for public comment, with regard to “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.” The RRB has determined that many of the revisions being made are interpretive rules issued by the RRB, as they merely advise the public of the RRB’s construction of the new statute and clarify the application of the substantive law. Moreover, the RRB has determined that the remaining revisions are rules of agency procedure or practice, as they do not change the substantive standards the agency applies in implementing the FOIA. The RRB has also concluded that there is good cause to find that a pre-publication public comment period is unnecessary. These revisions to the existing regulations in 20 CFR 200.4 merely implement the statutory changes, align the RRB’s regulations with controlling judicial decisions, and clarify agency procedures.

Paperwork Reduction Act

The RRB has determined that the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply because these regulations do not contain any information collection requirements subject to OMBs approval.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the statutory provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501, *et seq.*

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the RRB has determined that this rule will not have a significant economic impact on a substantial number of small entities because it pertains to administrative matters affecting the agency.

Executive Order 12866—Regulatory Review

The Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866, as amended. Therefore, no regulatory impact analysis is required. There are no changes to the information collections associated with § 200.4, because these materials are already available in electronic format.

Executive Order 12988—Civil Justice Reform

This rule meets the applicable standards under sections 3(a) and 3(b) of Executive Order 12988, Civil Justice Reform.

Executive Order 13132—Federalism

This rule will not have 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. Therefore, the RRB has determined this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement in accordance with Executive Order 13132, Federalism.

List of Subjects in 20 CFR Part 200

Administrative practice and procedure, Railroad employees, Railroad retirement, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Railroad Retirement Board amends 20 CFR part 200 as follows:

PART 200—GENERAL ADMINISTRATION

■ 1. The authority citation for part 200 is revised to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362;
Section 200.4 also issued under 5 U.S.C. 552;
Section 200.5 also issued under 5 U.S.C. 552a;
Section 200.6 also issued under 5 U.S.C. 552b; and
Section 200.7 also issued under 31 U.S.C. 3717.

■ 2. Amend § 200.4 as follows:

- a. Remove the word “and” at the end of paragraph (a)(2);
- b. Remove the period and in its place add “; and” at the end of paragraph (a)(3);
- c. Add paragraph (a)(4);
- d. In paragraph (c):
- i. Remove the phrase at the beginning of the first sentence “There shall be maintained in the Board’s library” and add in its place “The RRB shall maintain”;
- ii. Remove the phrase at the end of the second sentence “and copying at the Board’s headquarters offices located at 844 Rush Street, Chicago, Illinois, during the normal business hours of the Board” and add in its place “in an electronic format at RRB.gov”; and
- iii. At the end of the third sentence add the phrase “to the General Counsel, Railroad Retirement Board, Room 836, 844 N. Rush Street, Chicago, Illinois 60611–1275”;
- e. In paragraph (d):
- i. Remove the word “Board” and add in its place “RRB”;
- ii. In the first sentence, after the word “request” add the phrase “in an electronic format”; and
- iii. In the second sentence, remove “North” and add in its place “N.” and remove the zipcode “60611–2092” and add in its place “60611–1275”;
- f. In paragraph (g)(2)(iii), remove the first four sentences of the paragraph and add six sentences in their place;
- g. In paragraph (g)(2)(iv), remove “Board’s” and add in its place “RRB’s”;
- h. Add a sentence at the end of paragraph (g)(2)(v);
- i. In paragraph (g)(3), remove “Board” and add in its place “RRB”;
- j. In paragraph (g)(5)(i)(A), remove “RRV” and add in its place “RRB”;
- k. In paragraph (g)(5)(ii), remove “Board” and add in its place “RRB”;
- l. In paragraph (g)(6), remove “fo” and add in its place “of”;

- m. In paragraph (g)(7), remove “Board” and add in its place “RRB”;
- n. Add paragraphs (g)(8) and (9);
- o. In paragraph (h), remove the word “North” and add in its place the abbreviation “N.” and remove “, LAWGroupMailbox@rrb.gov” and add in its place “to EFOIA <https://secure.rrb.gov/efoia/>”;
- p. Redesignate paragraphs (i) through (p) as paragraphs (j) through (q);
- q. Add a new paragraph (i);
- r. In newly redesignated paragraph (j):
- i. Remove references to “(j)(1)” and “(j)” add in their places “(k)(1)” and “(k)”, respectively; and
- ii. Add a sentence to the end of the paragraph;
- s. In newly redesignated paragraph (k) introductory text:
- i. Remove the phrase “Secretary of the Board within 20” and add in its place the phrase “Secretary to the Board within 90”; and
- ii. Remove the reference to “(j)(1)” and add in its place “(k)(1)”;
- t. In newly redesignated paragraph (k)(1), remove the reference to “(i) and (j)” and in its place add “(j) and (k)”;
- u. In newly redesignated paragraph (k)(2), remove the reference to “(i) and (j)” and in its place add “(j) and (k)” and remove “Board” and “Board’s” and add in their places “RRB” and “RRB’s”, respectively;
- v. In newly redesignated paragraph (l), remove “Executive Director” and add in its place “General Counsel”;
- w. In newly redesignated paragraph (n), remove “Board” and add in its place “RRB”;
- x. In newly redesignated paragraph (o)(2), remove “Executive Director” and add in its place “General Counsel” and remove “Board” and add in its place “RRB”;
- y. In newly redesignated paragraph (o)(5), remove “Board” and add in its place “RRB”;
- z. In newly redesignated paragraph (p) introductory text:
- i. Remove “This paragraph and paragraph (p)” and add in its place “This paragraph (p) and paragraph (q)”; and
- ii. Remove the reference to “(o)(4)(vii) and (p)” and add in its place “(p)(4)(vii) and (q)”;
- aa. In newly redesignated paragraph (p)(1), remove “Board” and add in its place “RRB”;
- bb. In newly redesignated paragraph (p)(2), remove “Board” and “Board’s” and add in their places “RRB” and “RRB’s”, respectively, and remove the reference to “(o)(4)” and add in its place “(p)(4)”;
- cc. In newly redesignated paragraph (p)(3), remove “Director of

Administration” and in its place add “General Counsel” and remove the address “844 North Rush Street, Chicago, Illinois 60611–2092” and in its place add “Room 836, 844 N. Rush Street, Chicago, Illinois 60611–1275”;

■ dd. In newly redesignated paragraph (p)(4)(vii), remove the reference to “(o)” and in its place add “(p)”; and

■ ee. In newly redesignated paragraph (q), remove “Director of Administration” and in its place add “General Counsel”.

The addition and revisions read as follows:

§ 200.4 Availability of information to the public.

- (a) * * *
- (4) Copies of all records, regardless of form or format—
- (i) That have been released to any person under paragraph (f) of this section; and
- (ii) That because of the nature of their subject matter, the RRB determines have become or are likely to become the subject of subsequent requests for substantially the same records, or that have been requested 3 or more times.

- * * * * *
- (g) * * *
- (2) * * *
- (iii) * * * The term “representative of the news media” refers to any person or entity that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term “news” means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast “news” to the public at large and publishers of periodicals that disseminate “news” and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. “Freelance” journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, the RRB will also consider a requester’s past publication record in making this determination. * * *
- * * * * *
- (v) * * * Requesters may seek a waiver of fees by submitting a written

application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

* * * * *

(8) *Restriction on charging fees.* If the RRB fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, or, in the instances of requests from requesters described in paragraphs (g)(2)(ii) and (iii) of this section, may not charge reproduction fees except as described in paragraphs (g)(8)(i) and (ii) of this section.

(i) If the RRB has determined that unusual circumstances as defined by the FOIA apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(ii) If the RRB has determined that unusual circumstances as defined by the FOIA apply, and more than 5,000 pages are necessary to respond to the request, the agency may charge search fees, or, in the case of requesters described in paragraphs (g)(2)(ii) and (iii) of this section, may charge duplication fees if the following steps are taken. The agency must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and the agency must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C.

552(a)(6)(B)(ii). If the exception in this paragraph (g)(8)(ii) is satisfied, the component may charge all applicable fees incurred in the processing of the request.

(9) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, the agency must inform the requester of the contact information of that program.

* * * * *

(i) *Timing of responses to requests.* The RRB ordinarily will respond to requests according to their order of receipt. In instances involving misdirected requests that are required to be rerouted, the response time shall

commence on the date that the request is received by the office that is designated to receive requests, but in any event not later than 10 working days after the request is first received by any office that is designated by these regulations to receive requests.

(1) *Unusual circumstances.* Whenever the RRB cannot meet the statutory time limit for processing a request because of "unusual circumstances," as defined in the FOIA, and the RRB extends the time limit on that basis, the RRB shall, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which the RRB estimates processing of the request will be completed. Where the extension exceeds 10 working days, the RRB shall, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. The RRB shall make available its designated FOIA Public Liaison for this purpose. The RRB shall also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services.

(2) *Expedited processing.* (i) The RRB shall process requests and appeals on an expedited basis whenever it is determined that they involve:

(A) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.

(ii) A request for expedited processing may be made at any time. Requests based on paragraphs (i)(2)(i)(A) and (B) of this section must be submitted to the General Counsel, Railroad Retirement Board, Room 836, 844 N Rush Street, Chicago, Illinois 60611-1275.

(iii) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. For example, under paragraph

(i)(2)(i)(B) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that

extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an "urgency to inform" the public on the topic. As a matter of administrative discretion, an agency may waive the formal certification requirement.

(iv) The RRB shall notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, the RRB will act on any appeal of that decision expeditiously.

(j) * * * Additionally, any grant shall contain a statement notifying the requester of the assistance available from the RRB's FOIA Public Liaison, and any denial shall contain a statement notifying the requester of the assistance available from the RRB's FOIA Public Liaison and the dispute resolution services offered by the National Archives and Records Administration's (NARA's) Office of Government Information Services (OGIS).

* * * * *

By Authority of the Board.

Stephanie Hillyard,
Secretary to the Board.

[FR Doc. 2021-13963 Filed 7-1-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2021-0444]

Safety Zone; Independence Day Celebration, Bridge Side Marine

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

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone for the Independence Day Celebration at Bridge Side Marina in Grand Isle, Louisiana, from 10 p.m. through 10:30 p.m. on Saturday, July 3, 2021. This action is needed to provide for the safety of life on navigable waterways during this event.

DATES: The regulations in 33 CFR 165.801, Table 5, line 7, will be

enforced from 10 p.m. through 10:30 p.m. on July 3, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Commander Matthew M. Spolarich, Chief of Prevention, U.S. Coast Guard Marine Safety Unit Houma; telephone 985-850-6437, email matthew.m.spolarich@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.801, Table 5, line 7, for the Independence Day Celebration at Bridge Side Marina in Grand Isle, Louisiana from 10 p.m. through 10:30 p.m. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Eighth Coast Guard District requiring safety zones, § 165.801, Table 5, line 7, specifies the location of the safety zone as a 500 foot radius from the Pier located at Bridge Side Marina, 2012 LA Highway 1, Grand Isle, LA (Lat: 29°12'14" N; Long: 090°02'28.47" W). During the enforcement period, as reflected in § 100.801, entry into this zone is prohibited unless authorized by the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or passage through the zone must request permission from the Captain of the Port or a designated representative.

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 and Broadcast Notice to Mariners.

Dated: June 28, 2021.

J.W. Russell,

Captain, U.S. Coast Guard, Captain of the Port Houma.

[FR Doc. 2021-14166 Filed 7-1-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2021-0455]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone located in federal regulations for the Lake Erie Open

Water Swim. This action is necessary and intended for the safety of life and property on navigable waters during the event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo.

DATES: The regulations listed in 33 CFR 165.939 as listed in Table 165.939(b)(12) will be enforced from 6:45 a.m. through 11:15 a.m. on July 17, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email MST2 Natalie Smith, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216-937-6004, email D09-SMB-MSUCLEVELAND-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939(b)(12) for the Lake Erie Open Water Swim. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Lexia M. Littlejohn,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2021-14144 Filed 7-1-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 210

RIN 0710-AB39

Procurement Activities of the Corps of Engineers

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes the U.S. Army Corps of Engineers' part titled, "Procurement Activities of the Corps of Engineers." Each removed section is out-of-date, duplicative of existing regulations, and otherwise covers internal agency operations that have no public compliance component or adverse public impact. Regulations governing internal procurement activities can be found on file with the agency. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

DATES: This rule is effective on July 2, 2021.

ADDRESSES: Department of the Army, U.S. Army Corps of Engineers, ATTN: CECT-P (Ms. Wanda Cross), 441 G Street NW, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Cross at (202) 761-1034 or by email at wanda.m.cross2@usace.army.mil.

SUPPLEMENTARY INFORMATION: This final rule removes from the CFR part 210 of title 33, "Procurement Activities of the Corps of Engineers." The rules at 33 CFR 210.1, 210.2, and 210.3 were published on December 7, 1961 (26 FR 11732) pursuant to Department of Defense procurement statutes, 10 U.S.C. Chapter 137. The regulation at 33 CFR 210.1 provides for procedures for advance notices to prospective bidders on certain construction contracts. The regulation at 33 CFR 210.2 provides for procedures to notify the successful bidder of the acceptance of their bid. The regulation at 33 CFR 210.3 provides for procedures to issue a notice to proceed to contractors. The rule at 33 CFR 210.4 was initially published on January 14, 1975 (40 FR 2582), and amended on March 24, 1980 (45 FR 19202). The rule at 33 CFR 210.5 was published on March 24, 1980 (45 FR 19202). The regulations at 33 CFR 210.4 and 201.5 provide for the administration of appeals before the Corps of Engineers Board of Contract Appeals. While the rules apply only to the Corps' internal

procedures, they were published, at that time, in the **Federal Register** to aid public accessibility.

The solicitation of public comment for this removal is unnecessary as the removed sections in this part are out-of-date, duplicative of existing regulations, and otherwise cover internal agency operations that have no public compliance component or adverse public impact. Sections 210.1, 210.2, and 210.3 are duplicative with and/or have been updated by the Federal Acquisition Regulation (FAR) subparts 5, 11, 14, and 15 which provide procedures for advance notice, notice of award, commencement, and completion of work. Sections 210.4 and 210.5 no longer apply. In addition, the Engineer Board was absorbed by the Armed Services Board of Contract Appeals in July 2000.

This removal is being conducted to provide clarity and reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps' internal procurement activities. The removal of the regulation will ensure the Corps' policy complies with the existing FAR which can be found at the source provided in this **SUPPLEMENTARY INFORMATION** section. The regulation does not place a burden on the public; therefore, its removal does not provide a reduction in public burden or costs. This rule is not significant under Executive Order 12866, "Regulatory Planning and Review."

List of Subjects in 33 CFR Part 210

Administrative practice and procedure, Government procurement.

PART 210—[REMOVED]

■ Accordingly, for the reasons stated in the preamble and under the authority of 5 U.S.C. 301, the Corps removes 33 CFR part 210.

Dated: June 29, 2021.

Jaime A. Pinkham,

Acting Assistant Secretary of the Army (Civil Works).

[FR Doc. 2021-14244 Filed 7-1-21; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 214

RIN 0710-AB38

Emergency Supplies of Drinking Water

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes the U.S. Army Corps of Engineers' part titled, "Emergency Supplies of Drinking Water." This part is mostly duplicative of an equivalent part in the agency's regulations. Where it is not duplicative this part could be misleading, as its provisions have been superseded by those in the equivalent part related to emergency water supplies due to contaminated water sources. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

DATES: This rule is effective on July 2, 2021.

ADDRESSES: Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW-HS (Mr. Mark Roupas), 441 G Street NW, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Willem Helms at (202) 761-5909 or by email at *willem.h.helms@usace.army.mil*.

SUPPLEMENTARY INFORMATION: This final rule removes from the CFR part 214 of title 33, "Emergency Supplies of Drinking Water." The regulation was initially promulgated on February 19, 1976 (41 FR 7506), solely in order to implement the 1974 amendment to Public Law 84-99 in Section 82(2) of Public Law 93-251, authorizing the Chief of Engineers to provide emergency supplies of clean drinking water to any locality with contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare. The removed part is mostly duplicative of the equivalent section of 33 CFR part 203 at § 203.61, Emergency water supplies due to contaminated water source. The Corps' current emergency management regulation in 33 CFR part 203 includes coverage of the contaminated water authority among the other aspects of the Corps' emergency management program. Where it is not duplicative part 214 could be misleading, as its provisions have been superseded by those in 33 CFR part 203 related to emergency water supplies due to contaminated water sources. While the rule applies only to Corps internal

agency guidance regarding responses to provide emergency supplies of drinking water, it was published, at that time, in the **Federal Register** to aid public accessibility.

The solicitation of public comment is unnecessary as this part is redundant or otherwise out-of-date. This removal is being conducted to provide clarity and reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps' provision of emergency supplies of clean drinking water. Because the regulation does not place a burden on the public, its removal does not provide a reduction in public burden or costs. This rule is not significant under Executive Order 12866, "Regulatory Planning and Review."

List of Subjects in 33 CFR Part 214

Disaster assistance, Intergovernmental relations, Water supply.

PART 214—[REMOVED]

■ Accordingly, for the reasons stated in the preamble and under the authority of 5 U.S.C. 301, the Corps removes 33 CFR part 214.

Dated: June 29, 2021.

Jaime A. Pinkham,

Acting Assistant Secretary of the Army (Civil Works).

[FR Doc. 2021-14247 Filed 7-1-21; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO-C-2017-0033]

RIN 0651-AD24

Removal of Certain Rules of Patent Practice

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) revises the rules of practice in patent cases to eliminate the requirement for original handwritten signatures on certain correspondence with the Office of Enrollment and Discipline (OED) and certain payments made to the USPTO by credit card.

DATES: This rule is effective July 2, 2021.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, please contact

Howie Reitz, Staff Attorney, Office of Enrollment and Discipline, USPTO, at 571-272-4097.

SUPPLEMENTARY INFORMATION:

I. Background

To support regulatory reform efforts, the USPTO assembled a Working Group on Regulatory Reform (Working Group)—consisting of subject-matter experts from each of the business units that implement the USPTO's regulations—to consider, review, and recommend ways that the regulations could be improved, revised, and streamlined. The Working Group reviewed existing regulations, both discretionary and required by statute or judicial order. The USPTO also solicited comments from stakeholders through a web page established to provide information on the USPTO's regulatory reform efforts, and through the Department of Commerce's **Federal Register** Notice titled "Impact of Federal Regulations on Domestic Manufacturing" (82 FR 12786, Mar. 7, 2017), which addressed the impact of regulatory burdens on domestic manufacturing. These efforts led to the selection of certain regulations related to the requirement for an original handwritten signature for certain correspondence with the Office of Enrollment and Discipline (OED) for removal based on the USPTO's assessment that they were not needed and/or that elimination could improve the USPTO's body of regulations.

In addition, as part of the USPTO's COVID-19 relief efforts, the USPTO waived the requirement for an original handwritten signature for certain correspondence with OED and certain payments by credit card in an announcement made on March 19, 2020, and in a notice published in the **Federal Register** on March 30, 2020 (85 FR 17502). In that announcement, the USPTO determined that the effects of COVID-19 were an "extraordinary situation" within the meaning of 37 CFR 1.183 and 2.146(a)(5) for affected persons doing business before the Office that warranted a waiver of the original handwritten signature requirements of § 1.4(e).

II. Regulations for Removal

In this final rule, the USPTO finalizes those provisions in its proposed rule published on November 25, 2019 (84 FR 64800) related to the removal of the requirement for original handwritten signatures in dark ink on correspondence relating to registration to practice before the Office and other matters within the purview of the OED, which achieves the objective of making

the USPTO's regulations more effective, while enabling the USPTO to fulfill its mission-related goals.

Although the Office proposed to remove only the original handwritten signature requirement found in 37 CFR 1.4(e)(1), relating to correspondence with the OED, in this final rule, the Office also eliminates the original handwritten signature requirement found in § 1.4(e)(2), related to payments by credit card when the payment is not being made via the Office's electronic filing systems. The removal of § 1.4(e)(2) makes permanent the USPTO's waiver of the original handwritten signature requirement in payments by credit card announced on March 19, 2020, and published in the **Federal Register** on March 30, 2020 (85 FR 17502). Elimination of the entirety of § 1.4(e) allows, for example, the use of facsimile transmissions and S-signatures in enrollment and disciplinary matters before the OED, in addition to the use of facsimile transmissions and S-signatures in payments by credit card. Elimination of this section also facilitates the implementation of an electronic filing system within the OED. As a conforming change, this final rule also removes § 1.6(d)(1) to eliminate an obsolete cross reference to § 1.4(e).

The USPTO intends to address its proposed revisions to its regulations governing requests for Presidential Proclamations under the Semiconductor Chip Protection Act (SCPA), as published in its proposed rule on November 25, 2019 (84 FR 64800), in a separate notice.

III. Proposed Rule: Comments and Responses

The USPTO published a proposed rule on November 25, 2019 (84 FR 64800), soliciting comments on the proposed amendments. The USPTO received no comments in response to the proposed rule.

IV. Discussion of Rule Changes

This final rule removes and reserves 37 CFR 1.4(e), which sets forth certain correspondence and signature requirements. As a corresponding change, this final rule removes and reserves § 1.6(d)(1) to eliminate an obsolete cross reference to § 1.4(e).

Rulemaking Considerations:

A. Administrative Procedure Act: The changes in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. See *Perez v. Mortg. Bankers Ass'n*, 135 S. Ct. 1199, 1204 (2015) (Interpretive rules "advise the public of the agency's construction of the statutes and rules which it administers." (citation and internal

quotation marks omitted)); *Nat'l Org. of Veterans' Advocates v. Sec'y of Veterans Affairs*, 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies that the interpretation of a statute is interpretive); *Bachow Commc'ns Inc. v. FCC*, 237 F.3d 683, 690 (D.C. Cir. 2001) (Rules governing an application process are procedural under the Administrative Procedure Act.); *Inova Alexandria Hosp. v. Shalala*, 244 F.3d 342, 350 (4th Cir. 2001) (Rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims.).

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking were not required pursuant to 5 U.S.C. 553(b) or (c), or any other law. See *Perez*, 135 S. Ct. at 1206 (Notice-and-comment procedures are required neither when an agency "issue[s] an initial interpretive rule" nor "when it amends or repeals that interpretive rule."); *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336-37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice" (quoting 5 U.S.C. 553(b)(A))). However, to benefit from the public's input, the Office chose to seek public comment on the removal of its regulations governing requests for Presidential Proclamations under the SCPA and on the elimination of the requirement for original handwritten signatures on certain correspondence with the OED before implementing the rule.

In addition, the Office, pursuant to the authority at 5 U.S.C. 553(b)(B), finds good cause to remove regulations requiring that certain payments be made to the USPTO by credit card, found in 37 CFR 1.4(e)(2) and § 1.6(d)(1), without prior notice and an opportunity for public comment, as such procedures would be contrary to the public interest. The public does not require additional time to conform its conduct, as the changes in this final rule do not add any new requirements, and the elimination of the provisions in this final rule provides a modest benefit to impacted parties by making permanent the use of alternative signature methods in certain payments by credit card.

Furthermore, the Office finds good cause to waive the 30-day delayed effectiveness period for this final rule, as provided by 5 U.S.C. 553(d)(3), because such delay would be contrary to the public interest, as this final rule provides a modest benefit to impacted parties by making permanent the use of

alternative signature methods in certain payments by credit card.

B. Regulatory Flexibility Act: For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs, Office of General Law, of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes in this final rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 605(b).

This final rule removes 37 CFR 1.4(e), which required original handwritten signatures in dark ink on correspondence relating to registration to practice before the Office and other matters in the purview of the OED, and in payments by credit card where the payment is not being made via the Office's electronic filing systems. Elimination of this section allows for the use of facsimile transmissions and S-signatures in enrollment and disciplinary matters before the OED and in the payment of fees by credit card, thereby providing a modest benefit to impacted parties. As a conforming change, this final rule also removes § 1.6(d)(1) to eliminate an obsolete cross reference to § 1.4(e). For these reasons, this rulemaking will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866.

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with Executive Order 13563. Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and

technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes, (2) impose substantial direct compliance costs on Indian tribal governments, or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden, as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises

in domestic and export markets. Therefore, this rulemaking is not expected to result in a "major rule," as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking involves information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549). Removal of the requirement for original handwritten signatures in dark ink does not impact the current OMB approval of OMB control numbers 0651–0012, 0651–0017, and 0651–0043.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information has a currently valid OMB control number.

P. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen

access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO amends chapter 1 of title 37 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

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

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

§ 1.4 [Amended]

■ 2. Section 1.4 is amended by removing and reserving paragraph (e).

§ 1.6 [Amended]

■ 3. Section 1.6 is amended by removing and reserving paragraph (d)(1).

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021-14036 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. PTO-P-2020-0063]

RIN 0651-AD52

Mailing Address Changes Related to USPTO Deposit Accounts and Patent Maintenance Fees

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is revising the Rules of Practice to update the addresses for payments of patent maintenance fees that are not submitted electronically, correspondence related to maintenance fees, and the replenishment of a USPTO deposit account by mail. From December 15, 2020, through December 14, 2021, maintenance fee payments, maintenance fee-related correspondence, and USPTO

deposit account replenishments sent to the old addresses will be forwarded to the new addresses.

DATES: This final rule is effective on July 2, 2021.

FOR FURTHER INFORMATION CONTACT:

Inquiries related to maintenance fees and USPTO deposit accounts may be made by calling 571-272-6500. Inquiries related to this final rule should be directed to Matthew Lee, Office of Finance, USPTO, at matthew.lee@uspto.gov.

SUPPLEMENTARY INFORMATION: To improve operational efficiencies and consolidate space, the USPTO's Office of Finance, which includes the Maintenance Fee and Deposit Account Branches, was relocated as of December 15, 2020, from 2051 Jamieson Avenue, Suite 300, in Alexandria, Virginia, to the main USPTO campus in Alexandria, Virginia. Accordingly, this final rule updates the Rules of Practice in Patent Cases and the Rules of Practice in Trademark Cases with both the new mailing address for patent maintenance fees and maintenance fee-related correspondence and the new mailing address for USPTO deposit account replenishments. As of December 15, 2020, correspondence sent by U.S. Postal Service (USPS) first-class mail to pay a USPTO patent maintenance fee, as well as other maintenance fee-related correspondence, should be mailed to: Mail Stop Maintenance Fee, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Also as of December 15, 2020, checks and money orders that are sent by USPS first-class mail to replenish a USPTO deposit account should be mailed to: Mail Stop Deposit Accounts, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

From December 15, 2020, through December 14, 2021, maintenance fee payments, maintenance fee-related correspondence, and USPTO deposit account replenishments sent to the Jamieson Avenue addresses will be forwarded to the new addresses. After December 14, 2021, such mailings may be returned to the sender by the USPS.

The appropriate sections of the Manual of Patent Examining Procedure and the Trademark Manual of Examining Procedure will be revised in due course to reflect these mailing address changes.

Maintenance fee payments and USPTO deposit account replenishments submitted electronically on the USPTO website at www.uspto.gov are not

affected by these mailing address changes.

Discussion of Specific Rules

The following is a discussion of the amendments to 37 CFR part 1.

Section 1.1: Section 1.1(a) is amended to remove the reference to paragraph (d)(1) of this section from the listed exceptions.

Section 1.1(d) is amended to add the paragraph heading "Payments of patent maintenance fees" and to change the address for payments of patent maintenance fees that are not submitted electronically and correspondence related to maintenance fees to "Mail Stop Maintenance Fee, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Section 1.25: Section 1.25(c) is amended to remove the reference to paragraph (c)(4) of this section, as the paragraph was previously removed.

Section 1.25(c)(3) is amended to change the address for payments to replenish a USPTO deposit account to "Mail Stop Deposit Accounts, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

The following is a discussion of the amendment to 37 CFR part 2.

Section 2.208: Section 2.208(c)(3) is amended to change the address for payments to replenish a USPTO deposit account to "Mail Stop Deposit Accounts, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Rulemaking Considerations

A. Administrative Procedure Act: Since this final rule is directed to changing an Office address, this final rule merely involves rules of agency organization, procedure, or practice within the meaning of 5 U.S.C. 553(b)(A) and is a non-substantive change to the regulations. Accordingly, this final rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c). Furthermore, the Office finds good cause to waive the 30-day delayed effectiveness period, as provided by 5 U.S.C. 553(d)(3), because such delay would be contrary to the public interest in providing accurate contact information for the Office.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 605(b).

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes, (2) impose substantial direct compliance costs on Indian tribal governments, or (3) preempt tribal law. Therefore, a Tribal Summary Impact Statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and

reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the USPTO will submit a report containing the rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not a “major rule” as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.

272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking does not involve any new information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information has a valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

For the reasons set forth in the preamble, 37 CFR parts 1 and 2 are amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.1 is amended by revising paragraph (a) introductory text and paragraph (d) to read as follows:

§ 1.1 Addresses for non-trademark correspondence with the United States Patent and Trademark Office.

(a) *In general.* Except as provided in paragraphs (a)(3)(i) and (a)(3)(ii) of this section, all correspondence intended for the United States Patent and Trademark Office must be addressed to either “Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450” or to specific areas within the Office as set out in paragraphs (a)(1) and (a)(3)(iii) of this section. When appropriate, correspondence should also be marked

for the attention of a particular office or individual.

* * * * *

(d) *Payments of patent maintenance fees.* Payments of patent maintenance fees that are not submitted electronically and correspondence related to maintenance fees may be addressed to: Mail Stop Maintenance Fee, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

* * * * *

■ 3. Section 1.25 is amended by revising paragraphs (c) introductory text and (c)(3) to read as follows:

§ 1.25 Deposit Accounts.

* * * * *

(c) A deposit account holder may replenish the deposit account by submitting a payment to the United States Patent and Trademark Office. A payment to replenish a deposit account must be submitted by one of the methods set forth in paragraphs (c)(1), (c)(2), or (c)(3) of this section.

* * * * *

(3) A payment to replenish a deposit account may be addressed to: Mail Stop Deposit Accounts, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

■ 4. The authority citation for 37 CFR part 2 continues to read as follows:

Authority: 15 U.S.C. 1113, 15 U.S.C. 1123, 35 U.S.C. 2, section 10(c) of Pub. L. 112-29.

■ 5. Section 2.208 is amended by revising paragraph (c)(3) to read as follows:

§ 2.208 Deposit Accounts.

* * * * *

(c) * * *

(3) A payment to replenish a deposit account may be addressed to: Mail Stop Deposit Accounts, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021-14035 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-16-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21-54; RM-11879; DA 21-702; FR ID 34796]

Television Broadcasting Services Peoria and Oswego, Illinois

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 14, 2021, the Media Bureau, Video Division (Bureau) issued a Notice of Proposed Rulemaking (NPRM) in response to a petition for rulemaking filed by Four Seasons Peoria, LLC (Petitioner), requesting an amendment of the DTV Table of Allotments to delete channel 10 at Peoria, Illinois, substitute channel 10 at Oswego, Illinois, and modify the WAOE license to specify Oswego as its community of license. For the reasons set forth in the Report and Order referenced below, channel 10 is deleted from Peoria, Illinois, and allotted to Oswego, Illinois. Further, WAOE's community of license is modified to Oswego, Illinois.

DATES: Effective July 2, 2021.

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

SUPPLEMENTARY INFORMATION: The proposed rule was published at 86 FR 18934 on April 12, 2021. The Petitioner filed comments in support of the petition. No other comments were filed. We believe the public interest would be served by allotting channel 10 at Oswego, Illinois. Oswego (pop. 34,383) is the largest community in Kendall County, Illinois, and clearly qualifies for community of license status for allotment purposes. In addition, the proposal would result in a first local service to Oswego. Moreover, the allotment is consistent with the minimum geographic spacing requirements for new DTV allotments in the Commission's rules, and the allotment point complies with the rules as the entire community of Oswego is encompassed by the 43 dBμ contour. Finally, since the Petitioner does not propose any changes in WAOE's authorized facilities, the authorized and proposed facilities are mutually exclusive.

This is a synopsis of the Commission's Report and Order, MB Docket No. 21-54; RM-11879; DA 21-702, adopted June 16, 2021, and released June 16, 2021. The full text of this document is available for download

at https://www.fcc.gov/edocs. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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

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

List of Subjects in 47 CFR Part 73

Television. Federal Communications Commission. Thomas Horan, Chief of Staff, Media Bureau.

Final Rule

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

PART 73—RADIO BROADCAST SERVICES

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

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

■ 2. In § 73.622(i), amend the Post-Transition Table of DTV Allotments, under Illinois, by adding an entry in alphabetical order for "Oswego" and revising the entry for "Peoria" to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * *	* * *

ILLINOIS

Oswego	10.
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Community	Channel No.
Peoria	19, 25, 30, * 46.
* * *	* *

[FR Doc. 2021-14207 Filed 7-1-21; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 86, No. 125

Friday, July 2, 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 71

[Docket No. FAA-2021-0479; Airspace Docket No. 21-AGL-5]

RIN 2120-AA66

Proposed Amendment of VOR Federal Airways V-170, V-175 and V-250; Establishment of Area Navigation (RNAV) Route T-400; in the Vicinity of Worthington, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend three VHF Omnidirectional Range (VOR) Federal airways and establish a new RNAV T-route, in the vicinity of Worthington, Minnesota. This action is necessary due to the planned decommissioning of the VOR portion of the Worthington, MN, VOR/Distance Measuring Equipment (VOR/DME), which provides navigation guidance to portions of the affected Air Traffic Service (ATS) routes. The Worthington VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (VOR MON) program.

DATES: Comments must be received on or before August 16, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2021-0479; Airspace Docket No. 21-AGL-5 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further

information, you can contact the Rules and Regulations 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:

Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2021-0479; Airspace Docket No. 21-AGL-5) and be submitted in triplicate to

the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2021-0479; Airspace Docket No. 21-AGL-5." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020 and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed

in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning decommissioning activities for the VOR portion of the Worthington, MN, VOR/DME with a planned date of March 24, 2022. The Worthington VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, "Provision of Navigation Services for the NextGen Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR MON)," published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA-2011-1082. Although the VOR portion of the Worthington VOR/DME is planned for decommissioning, the co-located DME portion of the navigational aid is being retained in support of current and future RNAV procedures.

The airways affected by the Worthington VOR are V-170, V-175, and V-250. With the planned decommissioning of the Worthington VOR, the remaining ground-based navigational aid coverage in the area is insufficient to enable the continuity of these affected routes. As such, the proposed modifications would result in the removal of airway segments. To overcome the impacts from the loss of portions of the airways, instrument flight rules (IFR) traffic may use adjacent airways, including V-24, V-80, V-120, V-148, V-398, and V-456, to navigate through or around the affected areas. IFR traffic could receive air traffic control radar vectors through the areas. Aircraft equipped with RNAV capabilities may also file point to point through the affected area using the fixes that will remain in place, or use the proposed new RNAV T-400 (in lieu of V-250). Visual flight rules (VFR) pilots may utilize the ATC services previously listed.

The proposed new RNAV T-route, T-400, would mitigate the proposed removal of the airway segment of V-250 between the Yankton, SD, VOR/DME and Mankato, MN, VOR/Tactical Air Navigation (VORTAC). Additionally, it would provide navigational options in areas of limited or no radar coverage to pilots whose aircraft are RNAV equipped. Finally, it would support the FAA's efforts to transition the NAS from ground-based to satellite-based navigation.

The FAA proposes to retain all airspace fixes on the deleted segments

of the VOR Federal airways either as fixes or waypoints.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend three VOR Federal airways and establish one RNAV T-route. The proposed ATS route actions are described below.

V-170: V-170 extends between the Devils Lake, ND, VOR/DME and the Worthington, MN, VOR/DME; between the Rochester, MN, VOR/DME and the Salem, MI, VORTAC; and between the Slate Run, PA, VORTAC and the intersection of the Andrews, MD, VORTAC 060° radial and the Baltimore, MD, VORTAC 165° radial. The airspace within R-5802 is excluded when active. The FAA proposes to remove the airway segment between the Sioux Falls, SD, VORTAC and the Worthington, MN, VOR/DME. This would result in the first segment of the route extending between the Devils Lake, ND, VOR/DME and the Sioux Falls, SD, VORTAC. The second and third segments of the airway would remain unchanged.

V-175: V-175 extends between the Malden, MO, VORTAC and the Des Moines, IA, VORTAC; and between the Worthington, MN, VOR/DME and the Alexandria, MN, VOR/DME. The FAA proposes to remove the airway segment between the Worthington, MN, VOR/DME and the Redwood Falls, MN, VOR/DME. This would result in the last segment of the airway extending between the Redwood Falls VOR/DME and the Alexandria VOR/DME. The first segment of the airway would remain unchanged. Concurrent changes to other segments of V-175 have been proposed in a separate rulemaking proposal.

V-250: V-250 extends between the O'Neill, NE, VORTAC and the Mankato, MN, VOR/DME. The FAA proposes to remove the airway segment from the Yankton, SD, VOR/DME and the Mankato, MN, VOR/DME. The resulting airway would extend between the O'Neill, NE, VORTAC and the Yankton, SD, VOR/DME.

T-400: T-400 would be a new RNAV route that extends between the LUKY, NE, waypoint (WP), located near the O'Neill, NE, VORTAC and the ZOSAG, MN, WP, which is a new WP being established near the Flying Cloud, MN, VOR/DME as part of this proposal.

All of the navigational aid radials in the airway descriptions below are stated in True degrees.

Domestic VOR Federal airways and RNAV T-routes are published in paragraphs 6010(a) and 6011, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which are

incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document would be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-170 [Amended]

From Devils Lake, ND; INT Devils Lake 187° and Jamestown, ND, 337° radials; Jamestown; Aberdeen, SD; to Sioux Falls, SD. From Rochester, MN; Nodine, MN; Dells, WI; INT Dells 097° and Badger, WI, 304° radials; Badger; INT Badger 121° and Pullman, MI, 282° radials; Pullman; to Salem, MI. From

Slate Run, PA; Selinsgrove, PA; Ravine, PA; INT Ravine 125° and Modena, PA, 318° radials; Modena; Dupont, DE; INT Dupont 223° and Andrews, MD, 060° radials; to INT Andrews 060° and Baltimore, MD, 165° radials. The airspace within R-5802 is excluded when active.

* * * * *

V-175 [Amended]

From Malden, MO; Vichy, MO; Hallsville, MO; Macon, MO; Kirksville, MO; to Des

Moines, IA. From Redwood Falls, MN; to Alexandria, MN.

* * * * *

V-250 [Amended]

From O'Neill, NE; to Yankton, SD.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T400 LLUKY, NE to ZOSAG, MN [New]

LLUKY, NE	WP	(Lat. 42°29'20.26" N, long. 098°38'11.44" W)
IMUPP, SD	WP	(Lat. 42°55'06.44" N, long. 097°23'05.22" W)
DURWN, MN	WP	(Lat. 43°38'48.91" N, long. 095°34'55.87" W)
MEMCO, MN	WP	(Lat. 44°13'11.42" N, long. 093°54'45.23" W)
ZOSAG, MN	WP	(Lat. 44°49'30.74" N, long. 093°26'34.08" W)

Issued in Washington, DC.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021-14092 Filed 7-1-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0473; Airspace Docket No. 21-AGL-3]

RIN 2120-AA66

Proposed Amendment to Area Navigation (RNAV) T-302; Midwestern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend RNAV route T-302 by extending it further to the east from its current endpoint. The proposal would supplement the National Airspace System (NAS) enroute structure, as well as provide additional RNAV options in the Midwest. Additionally, this proposed action supports the FAA's NextGen efforts to transition the NAS from ground-based to space-based navigation.

DATES: Comments must be received on or before August 16, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: (800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2021-0473; Airspace Docket No. 21-AGL-3 at

the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations 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: Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2021-0473; Airspace Docket No. 21-AGL-3) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2021-0473; Airspace Docket No. 21-AGL-3." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

In support of FAA-led modernization efforts to transition the NAS from a ground-based to a satellite-based Performance Based Navigation (PBN) system, the FAA is proposing to amend RNAV route T–302 by extending from Nebraska into Illinois. This action would assist in reducing air traffic control (ATC) sector workload, complexity, and pilot-to-controller

communication. These RNAV routes would be available for use by aircraft equipped with RNAV navigation capabilities. This action would assist in providing positive course guidance to properly equipped aircraft navigating through military special use airspace and training areas when not in use.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to extend RNAV route T–302 eastward. The proposed route change is described below.

T–302: T–302 currently extends between the CUKIS, OR, waypoint (WP) and the LLUKY, NE, WP. The FAA proposes to extend the route from the LLUKY, NE, WP to the GRIFT, IL, WP. The resulting RNAV route would extend between the CUKIS, OR, WP to the GRIFT, IL, WP.

United States Area Navigation T-routes are published in paragraph 6011 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 RNAV route listed in this document would be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–302 CUKIS, OR to GRIFT, IL [Amended]

CUKIS, OR	WP	(Lat. 45°20'59.59" N, long. 122°21'49.41" W)
JJETT, OR	WP	(Lat. 44°56'35.43" N, long. 121°40'56.36" W)
CUPRI, OR	FIX	(Lat. 44°37'03.76" N, long. 121°15'13.89" W)
ZUDMI, OR	WP	(Lat. 44°19'59.29" N, long. 120°28'10.92" W)
Wildhorse, OR (ILR)	VOR/DME	(Lat. 43°35'35.27" N, long. 118°57'18.18" W)
JOSTN, OR	WP	(Lat. 43°34'16.92" N, long. 117°53'51.34" W)
UKAYI, ID	WP	(Lat. 43°46'57.60" N, long. 117°05'24.14" W)
PARMO, ID	FIX	(Lat. 43°45'32.78" N, long. 116°49'10.43" W)
ADEXE, ID	WP	(Lat. 43°30'16.79" N, long. 116°26'53.72" W)
FEVDO, ID	WP	(Lat. 42°53'48.88" N, long. 115°02'00.30" W)
TOXEE, ID	FIX	(Lat. 42°41'41.81" N, long. 114°27'13.10" W)
JADUP, ID	WP	(Lat. 42°44'32.00" N, long. 113°42'15.22" W)
MIKAE, WY	WP	(Lat. 42°06'36.88" N, long. 110°35'59.28" W)
BXTER, WY	WP	(Lat. 41°53'13.97" N, long. 110°04'52.38" W)
EEBEE, WY	WP	(Lat. 41°44'07.05" N, long. 109°35'10.21" W)
REGVE, WY	WP	(Lat. 41°38'35.07" N, long. 109°20'30.96" W)
Rock Springs, WY (OCS)	VOR/DME	(Lat. 41°35'24.76" N, long. 109°00'55.18" W)
FIKLA, WY	WP	(Lat. 41°56'20.50" N, long. 106°57'11.03" W)
Medicine Bow, WY (MBW)	VOR/DME	(Lat. 41°50'43.88" N, long. 106°00'15.42" W)
Scottsbluff, NE (BFF)	VORTAC	(Lat. 41°53'38.99" N, long. 103°28'55.31" W)
WAKPA, NE	WP	(Lat. 42°03'21.64" N, long. 103°04'57.99" W)

Alliance, NE (AIA)	VOR/DME	(Lat. 42°03'20.27" N, long. 102°48'16.00" W)
MARSS, NE	FIX	(Lat. 42°27'48.92" N, long. 100°36'15.32" W)
PUKFA, NE	WP	(Lat. 42°22'59.52" N, long. 099°59'36.42" W)
GIYED, NE	FIX	(Lat. 42°30'22.02" N, long. 099°08'05.55" W)
LLUKY, NE	WP	(Lat. 42°29'20.26" N, long. 098°38'11.44" W)
KAATO, IA	WP	(Lat. 42°35'06.89" N, long. 095°58'53.08" W)
ROKKK, IA	WP	(Lat. 42°37'00.00" N, long. 094°04'03.00" W)
Waterloo, IA (ALO)	VOR/DME	(Lat. 42°33'23.39" N, long. 092°23'56.13" W)
Dubuque, IA (DBQ)	VORTAC	(Lat. 42°24'05.29" N, long. 090°42'32.68" W)
JOOLZ, IL	WP	(Lat. 42°20'41.49" N, long. 090°12'12.00" W)
GRIFT, IL	WP	(Lat. 42°17'28.14" N, long. 088°53'41.42" W)

* * * * *

Issued in Washington, DC.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021-14076 Filed 7-1-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17]

RIN 2120-AA66

Proposed Amendment and Establishment of Class D and E Airspace; Concord, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, establish Class E airspace designated as an extension to a Class D surface area, and amend Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC. The FAA is proposing this action as a result of the Charlotte Class B Biennial Review. This action would also update the airport's name to Concord-Padgett Regional Airport, (formerly Concord Regional Airport). In addition, this action would also update the geographic coordinates of the airport to coincide with the FAA's database. This action would also make an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D and E airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) in the area.

DATES: Comments must be received on or before August 16, 2021.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building

Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify the Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305-6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class D and E airspace in Concord, NC, as well as establish Class E airspace to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2021-0520 and Airspace Docket No. 21-ASO-17) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and telephone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2021-0520; Airspace Docket No. 21-ASO-17." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and telephone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace and Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC, by updating the airports name to Concord-Padgett Regional Airport, (formerly Concord Regional Airport), and updating the geographical coordinates to coincide with the FAA's database. In addition, this action would amend Class E airspace extending upward from 700 feet above the surface at Concord-Padgett Regional Airport, Concord, NC, by increasing the radius to 8.8 miles, (formerly 6.5 miles). This action would also establish Class E airspace designated as an extension to a Class D surface area airspace for Concord-Padgett Regional Airport upward from the surface to within 1 mile each side of the 010° bearing from the Concord-Padgett Regional Airport, extending from the 4.0-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 190° bearing from the airport, extending from the 4.0-mile radius to 6.3 miles southwest from the airport. In addition, the FAA proposes to replace the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class D airspace in the legal descriptions for Concord-Padgett Regional Airport.

Class D and Class E airspace designations are published in Paragraphs 5000, 6004 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures", prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Concord, NC [Amended]

Concord-Padgett Regional Airport
(Lat. 35°23'16" N, long. 80°42'33" W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4-mile radius of Concord-Padgett Regional 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 6004 Class E Airspace Designated as an Extension to Class D or E Surface Area.

* * * * *

ASO NC E4 Concord, NC [New]

Concord-Padgett Regional Airport
(Lat. 35°23'16" N, long. 80°42'33" W)

That airspace extending upward from the surface within 1 mile each side of the 010° bearing from the Concord-Padgett Regional Airport, extending from the 4.0-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 190° bearing from the airport, extending from the 4.0-mile radius to 6.3 miles southwest of the 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.

* * * * *

ASO NC E5 Concord, NC [Amended]

Concord-Padgett Regional Airport
(Lat. 35°23'16" N, long. 80°42'33" W)

That airspace extending upward from 700 feet above the surface within an 8.8-mile radius of the Concord-Padgett Regional Airport.

Issued in College Park, Georgia, on June 28, 2021.

Matthew N. Cathcart,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021-14077 Filed 7-1-21; 8:45 am]

BILLING CODE 4910-13-P

FEDERAL TRADE COMMISSION

16 CFR Chapter I

Regulatory Review Schedule

AGENCY: Federal Trade Commission.

ACTION: Notification of intent to request public comments.

SUMMARY: As part of its ongoing, systematic review of all Federal Trade Commission rules and guides, the Commission announces a modified ten-year regulatory review schedule. No Commission determination on the need for, or the substance of, the rules and guides listed below should be inferred from this notification.

DATES: July 2, 2021.

ADDRESSES: Copies of this document are available on the Commission’s website, www.ftc.gov.

FOR FURTHER INFORMATION CONTACT:

Further details about particular rules or guides may be obtained from the contact person listed below for the rule or guide. For information about this document, please contact Jock Chung (202–326–2984), Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To ensure its rules and industry guides remain relevant and not unduly burdensome, the Commission reviews them on a ten-year schedule. Each year the Commission publishes its review schedule, with adjustments made in response to public input, changes in the marketplace, and resource demands.

When the Commission reviews a rule or guide, it publishes a notice in the **Federal Register** seeking public comment on the continuing need for the rule or guide, as well as the rule’s or guide’s costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden.

The Commission posts information about its review schedule on its website¹ to facilitate comment. This website contains an updated review schedule, a list of rules and guides previously eliminated in the regulatory review process, and the Commission’s regulatory review plan.

Modified Ten-Year Schedule for Review of FTC Rules and Guides

For 2021, the Commission intends to initiate a review of, and solicit public comments on, the following rule:

Business Opportunity Rule, 16 CFR part 437. Agency Contact: Christine Todaro (202–326–3711), Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Marketing Practices, 600 Pennsylvania Ave. NW, Washington, DC 20580.

The Commission is currently reviewing 23 of the 62 rules and guides within its jurisdiction. During 2020 and 2021, it completed reviews of 16 CFR 315, Contact Lens Rule; and 16 CFR 317, Prohibition of Energy Market Manipulation Rule. The Commission has appended a copy of its modified regulatory review schedule, indicating initiation dates for reviews through 2031. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

April J. Tabor,
Secretary.

Appendix

REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE

16 CFR part	Topic	Year to initiate review
24	Guides for Select Leather and Imitation Leather Products	Currently Under Review.
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	Currently Under Review.
308	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 [Pay Per Call Rule].	Currently Under Review.
310	Telemarketing Sales Rule	Currently Under Review.
312	Children’s Online Privacy Protection Rule	Currently Under Review.
313	Privacy of Consumer Financial Information	Currently Under Review.
314	Standards for Safeguarding Customer Information	Currently Under Review.
318	Health Breach Notification Rule	Currently Under Review.
423	Care Labeling of Textile Wearing Apparel and Certain Piece Goods	Currently Under Review.
432	Power Output Claims for Amplifiers Utilized in Home Entertainment Products	Currently Under Review.
436	Disclosure Requirements and Prohibitions Concerning Franchising	Currently Under Review.
453	Funeral Industry Practices	Currently Under Review.
456	Ophthalmic Practice Rules (Eyeglass Rule)	Currently Under Review.
640	Duties of Creditors Regarding Risk-Based Pricing	Currently Under Review.
641	Duties of Users of Consumer Reports Regarding Address Discrepancies	Currently Under Review.
642	Prescreen Opt-Out Notice	Currently Under Review.
660	Duties of Furnishers of Information to Consumer Reporting Agencies	Currently Under Review.
680	Affiliate Marketing	Currently Under Review.
681	Identity Theft [Red Flag] Rules	Currently Under Review.
698	Model Forms and Disclosures	Currently Under Review.
801	[Hart-Scott-Rodino Antitrust Improvements Act] Coverage Rules	Currently Under Review.
802	[Hart-Scott-Rodino Antitrust Improvements Act] Exemption Rules	Currently Under Review.
803	[Hart-Scott-Rodino Antitrust Improvements Act] Transmittal Rules	Currently Under Review.
437	Business Opportunity Rule	2021.
233	Guides Against Deceptive Pricing	2022.
238	Guides Against Bait Advertising	2022.
251	Guide Concerning Use of the Word “Free” and Similar Representations	2022.
260	Guides for the Use of Environmental Marketing Claims	2022.
254	Guides for Private Vocational and Distance Education Schools	2023.
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2023.

¹ <https://www.ftc.gov/enforcement/rules/retrospective-review-ftc-rules-guides>.

REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE—Continued

16 CFR part	Topic	Year to initiate review
429	Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations	2023.
20	Guides for the Rebuilt, Reconditioned, and Other Used Automobile Parts Industry	2024.
240	Guides for Advertising Allowances and Other Merchandising Payments and Services [Fred Meyer Guides].	2024.
300	Rules and Regulations under the Wool Products Labeling Act of 1939	2024.
301	Rules and Regulations under Fur Products Labeling Act	2024.
303	Rules and Regulations under the Textile Fiber Products Identification Act	2024.
425	Use of Prenotification Negative Option Plans	2024.
435	Mail, Internet, or Telephone Order Merchandise	2024.
424	Retail Food Store Advertising and Marketing Practices [Unavailability Rule]	2024.
239	Guides for the Advertising of Warranties and Guarantees	2025.
306	Automotive Fuel Ratings, Certification and Posting	2025.
305	Energy Labeling Rule	2025.
444	Credit Practices	2025.
500	Regulations under Section 4 of the Fair Packaging and Labeling Act	2025.
501	Exemptions from Requirements and Prohibitions under Part 500	2025.
502	Regulations under Section 5(c) of the Fair Packaging and Labeling Act	2025.
503	Statements of General Policy or Interpretation [under the Fair Packaging and Labeling Act]	2025.
700	Interpretations of Magnuson-Moss Warranty Act	2025.
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2025.
702	Pre-Sale Availability of Written Warranty Terms	2025.
703	Informal Dispute Settlement Procedures	2025.
304	Rules and Regulations under the Hobby Protection Act	2026.
455	Used Motor Vehicle Trade Regulation Rule	2026.
259	Guide Concerning Fuel Economy Advertising for New Automobiles	2027.
682	Disposal of Consumer Report Information and Records	2027.
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2028.
311	Test Procedures and Labeling Standards for Recycled Oil	2028.
460	Labeling and Advertising of Home Insulation	2028.
316	CAN-SPAM Rule	2029.
433	Preservation of Consumers' Claims and Defenses [Holder in Due Course Rule]	2029.
315	Contact Lens Rule	2030.
317	Prohibition of Energy Market Manipulation Rule	2031.

[FR Doc. 2021-13724 Filed 7-1-21; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2021-0426]

RIN 1625-AA00

Special Local Regulation; Swim for Special Operations Forces; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend its special local regulations for recurring marine parades, regattas, and other events in Southern California Annual Marine Events for the San Diego Captain of the Port Zone. This proposed rule would add one new recurring special local regulation. This action is necessary to provide for the safety of life on the navigable waters during the event. This proposed rulemaking would restrict vessel traffic in the designated

areas during the events unless authorized by the Captain of the Port San Diego 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 August 2, 2021.

ADDRESSES: You may submit comments identified by docket number USCG-2021-0426 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 Lieutenant Commander John Santorum, Waterways Management, U.S. Coast Guard; telephone 619-278-7656, email MarineEventsSD@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 proposes to amend 33 CFR 100.1101 by adding a new reoccurring marine event to the Table 1 of Section § 100.1101 for a swim race in San Diego Bay, CA.

The Honor Foundation notified the Coast Guard that it will be hosting the Honor Foundation Swim for Special Operations Forces (SOF) annually on a Saturday during the month of September. The regulated area would cover all navigable waters of the San Diego Bay, beginning at Glorietta Bay, continuing to Tidelands Park before proceeding north along the Coronado shoreline, crossing the federal navigable channel at Bayview Park, and finishing at the USS MIDWAY Museum.

The proposed annually reoccurring special local regulation is necessary to provide for the safety of life on navigable waters during the event. Based on the nature of this marine event, the large number of participants, and event location, the COTP has determined that the event listed in this proposed rule could pose a risk to participants or waterways users if the

normal vessel traffic were to interfere with the event. Possible hazards include risks of injury or death from near or actual contact among participants and mariners traversing through the regulated area. In order to protect the safety of all waterway users, including event participants and spectators, this proposed rule would establish a special local regulation for the time and location of the marine event. Vessels would not be permitted to enter the regulated areas unless authorized by the COTP or a designated representative.

The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70041.

III. Discussion of Proposed Rule

The Coast Guard proposes to add one new recurring special local regulation in Table 1 to § 100.1101 for the Honor Foundation Swim for Special Operations Forces. The duration of the regulated area is intended to ensure the safety of the public during the swim. Non-participant vessels are not permitted to enter, transit through, anchor in, or remain within the regulated area without obtaining permission from the Captain of the Port San Diego or a designated representative. The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners and on-scene designated representatives. 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, location, and duration of the special local regulation. Vessel traffic would be able to safely transit around this special local regulation, which would impact a small-designated area of the San Diego Bay. Moreover, the Coast Guard would issue

a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the areas, and the rule would allow vessels to seek permission to enter the areas.

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 regulated area that would prohibit persons and vessels from transiting the regulated area during the swim event. Normally such actions are categorically excluded from further review under paragraph L[61] 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.

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. In § 100.1101, in table 1 to § 100.1101, add item number 16 to read as follows:

§ 100.1101 Southern California Annual Marine Events for the San Diego Captain of the Port Zone.

TABLE 1 TO § 100.1101

Table with 16 columns and 1 row. Column 16: 16. Swim for Special Operations Forces; San Diego Bay, San Diego, CA. Row 1: Sponsor (The Honor Foundation), Event Description (SS Swim race), Date (Saturday in September), Location (San Diego Bay, CA), Regulated Area (All waters of San Diego Bay, from surface to bottom, beginning at Glorietta Bay, continuing to Tidelands Park, proceeding north along the Coronado shoreline, crossing the federal navigable channel at Bayview Park, and finishing at the USS MIDWAY Museum).

Dated: June 25, 2021. T.J. Barelli, Captain, U.S. Coast Guard, Captain of the Port San Diego. [FR Doc. 2021–14230 Filed 7–1–21; 8:45 am] BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0451]

RIN 1625–AA00

Safety Zone; Ohio River, Newburgh, IN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for all navigable waters of the Ohio River

extending the entire width of the river, from mile marker (MM) 777.3 to MM 778.3. This action is necessary to provide for the safety of life on these navigable waters near Newburgh, Indiana, during the City of Newburgh fireworks display on September 4, 2021. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless 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 August 2, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0451 using the Federal Decision Making 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 MST3 Matthews U.S. Coast Guard, telephone 502–779–5334, email secohv-wwm@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

- CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
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 June 17, 2021, the Historic Newburgh, Inc notified the Coast Guard

that it will be conducting a fireworks display from 9:30 p.m. to 10 p.m. on September 4, 2021. The fireworks are to be launched from the shore of the Ohio River at approximately mile marker (MM) 777.3 to MM 778.3. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Sector Ohio Valley (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone on a one-mile stretch of the Ohio River.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a one-mile stretch of the Ohio River 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 is proposing to establish a safety zone from 9:30 p.m. to 10 p.m. on September 4, 2021. The safety zone would cover all navigable waters, extending the entire width of the river, from MM 777.3 to MM 778.3. 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 p.m. to 10 p.m. 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, location, and duration of the temporary safety zone.

This safety zone would restrict transit on a one-mile stretch of the Ohio River for thirty minutes on one day. Moreover, the Coast Guard would issue Broadcast Notice to Mariners (BNMs), Local Notices to Mariners (LNMs), and Marine Safety Information Bulletins (MSIBs) about this safety zone so that waterway users may plan accordingly for this short restriction on transit, and the rule would allow vessels to request permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 temporary 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 only thirty minutes that will prohibit entry within a one-mile stretch of the Ohio River for one day. 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.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2021-0451 in the "SEARCH" box and click "SEARCH." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. 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.

Personal information. 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 to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

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.T08-0451 to read as follows:

§ 165.T08-0451 Safety Zone; Ohio River, Newburgh, IN.

(a) *Location.* The following area is a safety zone: All navigable waters of the Ohio River between MM 777.3 to MM 778.3 in Newburgh, IN.

(b) *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 VHF-FM radio channel 16 or phone at 1-800-253-7465. 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.

(c) *Enforcement period.* This section will be enforced from 9:30 p.m. to 10 p.m. on September 4, 2021.

Dated: June 29, 2021.

A.M. Beach,

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

[FR Doc. 2021-14228 Filed 7-1-21; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2020-0726; FRL-10025-46-Region 4]

Air Plan Approval; North Carolina; Mecklenburg Miscellaneous Rules Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg Local Implementation Plan (LIP). The revision was submitted by the State of North Carolina, through the North Carolina Division of Air Quality (NCDAQ), on behalf of Mecklenburg County Air Quality (MCAQ) via a letter dated April 24, 2020, and was received by EPA on June 19, 2020. The revision updates several Mecklenburg County Air Pollution Control Ordinance (MCAPCO) rules incorporated into the LIP. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before August 2, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2020-0726 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit www2.epa.gov/dockets/commenting-epa-dockets.

FOR FURTHER INFORMATION CONTACT:

Evan Adams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9009. Mr. Adams can also be reached via electronic mail at adams.evan@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background and Overview**

The Mecklenburg County LIP was submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. See 56 FR 20140. Mecklenburg County is now requesting that EPA approve updates to the LIP for general consistency with the North Carolina SIP.¹ Mecklenburg County prepared three submittals in order to update the LIP and reflect regulatory and administrative changes that NCDAQ made to the North Carolina SIP since EPA's 1991 LIP approval. The three submittals were submitted as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but later withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and also submitted the January 21, 2016, and January 14, 2019, updates. Due to an inconsistency with public notice at the local level, these submittals were withdrawn from EPA through a letter dated February 15, 2019. Mecklenburg County corrected this error, and NCDAQ submitted the updates to EPA in a submittal dated April 24, 2020.²

II. What action is EPA proposing to take?

The April 24, 2020, submittal includes changes and updates to the following rules to more closely align them with their analog SIP-approved North Carolina regulations. The January 14, 2019, the submission includes changes and updates to MCAPCO Rules 2.0101, *Definitions*; 2.0201, *Classification of Air Pollution Sources*; 2.0202, *Registration of Air Pollution Sources*; 2.0302, *Episode Criteria*; 2.0303, *Emission Reduction Plans*; and 2.0304, *Preplanned Abatement Program*.³

¹ Hereinafter, the terms “North Carolina SIP” and “SIP” refer to the North Carolina regulatory portion of the North Carolina SIP (*i.e.*, the portion that contains SIP-approved North Carolina regulations).

² EPA notes that the April 24, 2020, submittal was received by EPA on June 19, 2020.

³ The April 24, 2020 submittal contains changes to other Mecklenburg LIP-approved rules that are

The submittal also asks EPA to reincorporate the following rules into the LIP with a new effective date. The January 21, 2016, submission includes updates to the effective dates of the following rules: MCAPCO Rules 1.5301, *Special Enforcement Procedures*; 1.5302, *Criminal Penalties*; 1.5303, *Civil Injunction*; 1.5304, *Civil Penalties*; 1.5306, *Hearings*; 1.5307, *Judicial Review*; 2.0301, *Purpose*; and 2.0305, *Emission Reduction Plant: Alert Level*. The text of these rules has not changed. The remainder of this section discusses the proposed changes to Rules 2.0101, 2.0201, 2.0202, 2.0302, 2.0303, and 2.0304.

Rule 2.0101, “Definitions”

The April 24, 2020, revision modifies Rule 2.0101, *Definitions*, under Article 2.0000, *Air Pollution and Control Regulations and Procedures*, by updating terms and definitions, the formatting of units, and references to more closely align the rule with the SIP-approved state rule at 15A NCAC 02D .0101, *Definitions*. Rule 2.0101 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and defines certain terms used in Article 2.0000. EPA most recently approved updates to 15A NCAC 02D .0101 in the SIP on July 17, 2020. See 85 FR 43461.

The changes to Rule 2.0101 reorganize the defined terms alphabetically, add several terms and definitions, and delete one term and definition. The revisions add the terms “Administrator,” “Approved,” “Capture system,” “Control device,” “Day,” “Emission,” “Person,” “PM_{2.5},” and “Transportation facility,” and remove the term “Smoke density measuring device.”⁴

The terms and definitions in the revised version of Rule 2.0101 and the SIP at 15A NCAC 02D .0101, *Definitions*, only have a few differences. These include several LIP-approved exceptions in the definition of “Construction” at 2.0101(9)(a–d). These exemptions apply to a limited number of activities such as clearing and grading, building access roads, driveways, and parking lots, building and installing underground pipe work, and building ancillary structures,

not addressed in this notice. EPA will be acting on those rules in separate actions.

⁴ The terms “Approved,” “Capture system,” “Control device,” “Day,” “Emission,” and “Person” also appear in the LIP-approved version of Rule 2.0901 with minor differences. The April 24, 2020 submittal seeks to remove these terms from Rule 2.0901, *Definitions*, under Article 2.9000, *Volatile Organic Compounds*, in effect moving them to Rule 2.0101; however, EPA is not proposing to act on the removal of these terms from Rule 2.0901 at this time. EPA will act on the changes to Rule 2.0901 in a separate action.

including fences and office buildings that are not a necessary component of an air contaminant source, equipment, or associated cleaning device for which a permit is required.

EPA is proposing to approve the updates to Rule 2.0101 because they better align the LIP with the SIP and will not interfere with any applicable Clean Air Act (CAA) requirements.⁵

Rule 2.0201, Classification of Air Pollution Sources

The April 24, 2020, revision modifies Rule 2.0201, *Classification of Air Pollution Sources*, under Article 2.0000, by making grammatical updates and clarifying that the classification system applies to all air pollution sources governed by the Article. Rule 2.0201 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and establishes a system to classify air pollution sources covered by Article 2.0000. The edits align⁶ the rule with the SIP-approved state rule, 15A NCAC 02D .0201, *Classification of Air Pollution Sources*. EPA most recently incorporated updates to the state rule in North Carolina's SIP on April 10, 2019. See 84 FR 14308. EPA is proposing to approve the updates to Rule 2.0201 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

Rule 2.0202, Registration of Air Pollution Sources

The April 24, 2020, revision modifies Rule 2.0202, *Registration of Air Pollution Sources*, by adding a reference to the governing North Carolina statute at G.S. 143–215.107(a)(4). Rule 2.0202 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and identifies the information that an air pollution source must submit in order to register the source with MCAQ. The minor edits align⁷ the rule with the current SIP-approved rule, 15A NCAC 02D .0202, *Registration of Air Pollution Sources*. EPA most recently incorporated updates to the state rule in North Carolina's SIP on April 10, 2019. See 84 FR 14308. EPA is proposing to approve the updates to Rule 2.0202

⁵ Section 110(l) of the CAA prohibits EPA from approving a SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act.

⁶ The only differences between the revised version of 2.0201 and the SIP-approved version of 15A NCAC 02D .0201 tailor the rules to reference their respective governing bodies.

⁷ The only differences between the revised version of 2.0202 and the SIP-approved version of 15A NCAC 02D .0202 tailor the rules to reference their respective governing bodies.

because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

Rule 2.0302, Episode Criteria

The April 24, 2020, revision modifies Rule 2.0302, *Episode Criteria*, by updating the format of units, updating who proclaims air quality alerts and warnings and declarations of emergency at various pollutant levels requiring abatement actions from the Director of MCAQ with concurrence of the Governor, removing obsolete pollutant levels triggering such proclamations or declarations, and renumbering the subsections as a result of the aforementioned changes. Rule 2.0302 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and establishes guidance for the Director on when to issue an air pollution alert. The edits to Rule 2.0302 align⁸ the rule with the current SIP-approved rule, 15A NCAC 02D .0302, *Episode Criteria*. EPA most recently incorporated updates to the state rule in North Carolina's SIP on April 10, 2019. See 84 FR 14308. EPA is proposing to approve the updates to Rule 2.0302 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

Rule 2.0303, Emission Reduction Plans

The April 24, 2020, revision modifies Rule 2.0303, *Emission Reduction Plans*, by making updates to references. Rule 2.0303 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and establishes when persons responsible for operating an air pollution source must take air pollution alert, warning, or emergency actions. The revisions add a cross-reference to Rule 2.0304, *Preplanned Abatement Program*, described below. The edits align⁹ the rule with the current SIP-approved rule, 15A NCAC 02D .0303, *Emission Reduction Plans*. EPA most recently incorporated updates to the state rule in North Carolina's SIP on April 10, 2019. See 84 FR 14308. EPA is proposing to approve the updates to Rule 2.0303 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

⁸ The only differences between the revised version of 2.0302 and the SIP-approved version of 15A NCAC 02D .0302 tailor the rules to reference their respective governing bodies.

⁹ The only differences between the revised version of 2.0303 and the SIP-approved version of 15A NCAC 02D .0303 tailor the rules to reference their respective governing bodies.

Rule 2.0304, Preplanned Abatement Program

The April 24, 2020, revision modifies Rule 2.0304, *Preplanned Abatement Program*, by making updates to references. Rule 2.0304 was first approved by EPA into the LIP on May 2, 1991 (56 FR 20140), and establishes who must prepare a plan to reduce emissions during any air pollution episode. The edits align¹⁰ the rule with the current SIP-approved rule, 15A NCAC 02D .0304, *Preplanned Abatement Program*. EPA most recently incorporated updates to the state rule in North Carolina's SIP on April 10, 2019. See 84 FR 14308. EPA is proposing to approve the updates to Rule 2.0304 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to approve MCAPCO Rules 1.5301—*Special Enforcement Procedures*; 1.5302—*Criminal Penalties*; 1.5303—*Civil Injunction*; 1.5304—*Civil Penalties*; 1.5306—*Hearings*; 1.5307—*Judicial Review*; 2.0301—*Purpose*; and 2.0305—*Emission Reduction Plant: Alert Level*, all of which have an effective date of December 15, 2015; as well as MCAPCO Rules 2.0101—*Definitions*; 2.0201—*Classification of Air Pollution Sources*; 2.0202—*Registration of Air Pollution Sources*; 2.0302—*Episode Criteria*; 2.0303—*Emission Reduction Plans*; and 2.0304—*Preplanned Abatement Program*, all of which have an effective date of December 18, 2018, into the Mecklenburg County portion of the North Carolina SIP to update the rules to more closely align with their analog North Carolina rules in the SIP. EPA has made and will continue to make the SIP generally available through www.regulations.gov and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the aforementioned revisions to the Mecklenburg LIP. Specifically, EPA is proposing to approve revisions to MCAPCO Rules 1.5301—*Special*

¹⁰ The only differences between the revised version of 2.0304 and SIP-approved version of 15A NCAC 02D .0304 tailor the rules to reference their respective governing bodies.

Enforcement Procedures; 1.5302—*Criminal Penalties*; 1.5303—*Civil Injunction*; 1.5304—*Civil Penalties*; 1.5306—*Hearings*; 1.5307—*Judicial Review*; 2.0101—*Definitions*; 2.0201—*Classification of Air Pollution Sources*; 2.0202—*Registration of Air Pollution Sources*; 2.0301—*Purpose*; 2.0302—*Episode Criteria*; 2.0303—*Emission Reduction Plans*; 2.0304—*Preplanned Abatement Program*; and 2.0305—*Emission Reduction Plant: Alert Level*. EPA is proposing to approve these revisions because they are consistent with the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided they meet the criteria of the CAA. 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 CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: June 28, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021-14175 Filed 7-1-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2019-0215; FRL-10025-47-Region 5]

Air Plan Approval; Michigan; Partial Approval and Partial Disapproval for Infrastructure SIP Requirements for the 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove elements of a State Implementation Plan (SIP) submission from Michigan regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. The disapproval portion of this action does

not begin a new Federal Implementation Plan (FIP) clock, because the FIPs are already in place.

DATES: Comments must be received on or before August 2, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2019-0215 at <http://www.regulations.gov>, or via email to leslie.michael@epa.gov. For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, *etc.*) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/docketgs/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Olivia Davidson, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0266, davidson.olivia@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

- I. What is the background of this SIP submission?
- II. What is EPA's analysis of this SIP submission?
- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews

I. What is the background of this SIP submission?

In this rulemaking, EPA is proposing to approve most elements and disapprove one element of a March 8, 2019 submission from Michigan's

Department of Environment, Great Lakes and Energy (EGLE) intended to address all applicable infrastructure requirements for the 2015 ozone NAAQS. EPA is disapproving the portion of the submission pertaining to the visibility protection requirements of section 110(a)(2)(D)(i)(II) with respect to the 2015 ozone NAAQS. The disapproval portion of this action does not begin a new FIP clock, because the FIPs are already in place. EPA will take action in a separate rulemaking on the portion of the submission pertaining to the interstate transport requirements of section 110(a)(2)(D)(i)(I) with respect to the 2015 ozone NAAQS.

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This type of SIP submission is commonly referred to as an “infrastructure SIP.” These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through our September 13, 2013 Infrastructure SIP Guidance and through regional actions on infrastructure submissions (EPA's 2013 Guidance).¹ Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.² EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

¹ EPA explains and elaborates on these ambiguities and its approach to address them in our September 13, 2013 Infrastructure SIP Guidance (available at https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf), as well as in numerous agency actions, including EPA's prior action on Minnesota's infrastructure SIP to address the 2008 ozone, 2010 nitrogen dioxide (NO₂), 2010 sulfur dioxide (SO₂), and 2012 fine particulate matter (PM_{2.5}) NAAQS (80 FR 63436 (October 20, 2015)).

² See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center v. EPA*, No. 16-71933 (Aug. 30, 2018).

II. What is EPA's analysis of this SIP submission?

Pursuant to section 110(a), states must provide reasonable notice and opportunity for public hearing for all infrastructure SIP submissions. On September 28, 2018, EGLE opened a five-week comment period and provided the opportunity for public hearing. Comments were integrated into the SIP submission.

Michigan provided a detailed synopsis of how various components of its SIP meet each of the applicable requirements in section 110(a)(2) for the 2015 ozone NAAQS, as applicable. The following review evaluates the state's submission.

A. Section 110(a)(2)(A)—Emission Limits and Other Control Measures

This section requires SIPs to include enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements. This submission is required to demonstrate that the state of Michigan can comply with the implementation of the NAAQS 2015 Ozone standard.

Under Part 55 of the Natural Resources Protection Act, (PA 451) promulgated in 1994, Michigan Compiled Laws (MCL) Sections 324.5503 and 324.5512 authorize the EGLE director to regulate the discharge of air pollutants, to create rules and to establish standards regarding air quality and emissions.

EPA's 2013 Guidance states that to satisfy section 110(a)(2)(A) requirements, "an air agency's submission should identify existing EPA-approved SIP provisions or new SIP provisions that the air agency has adopted and submitted for EPA approval that limit emissions of pollutants relevant to the subject NAAQS, including precursors of the relevant NAAQS pollutant where applicable."

We believe that EGLE has the necessary components contained in its MCL and MAC to comply with the 2015 NAAQS Ozone standard. Emission limits for ozone precursors are contained in Michigan Administrative Code (MAC) Rules 336.1101 through 336.2908. Specifically, MAC Rules 336.1601 through 336.1661 apply to existing sources of volatile organic compounds (VOC), Rules 336.1701 through 336.1710 apply to new sources of VOCs, and Rules 336.1801 through 1834 apply to oxides of nitrogen (NO_x) from stationary sources. Methods of

control and compliance are contained within these rules.

In this rulemaking, EPA is not proposing to approve any new provisions in MCL Chapter 336 or MCL Chapter 324. EPA is also not proposing to approve or disapprove any existing state provisions or rules related to start-up, shutdown or malfunction or director's discretion in the context of section 110(a)(2)(A). EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(A) with respect to the 2015 ozone NAAQS.

B. Section 110(a)(2)(B)—Ambient Air Quality Monitoring/Data System

This section requires SIPs to provide for installation and operation of devices used to monitor, compile, and analyze ambient air quality data, and upon request, make such data available to EPA. These requirements include monitoring air quality for the relevant NAAQS pollutants at the proper locations in accordance with network requirements (40 CFR parts 53 and 58), submitting said data to the Air Quality System (AQS) in a timely manner (40 CFR part 58), providing the data with description of any discrepancies to the appropriate EPA Regional Office (40 CFR 58.10) and obtaining EPA approval for any changes to monitoring sites or network plan.

EGLE's annual reporting requirements are contained in Rules 336.201 through 336.205 of MAC. EGLE enters air monitoring data into AQS, and the state provides EPA with prior notification when changes to its monitoring network or plan are being considered. An annual network review is submitted to EPA to ensure EGLE's air monitoring operations comply with applicable Federal requirements, including the updated ozone NAAQS standard. The last submission to EPA was approved on October 28, 2020. EPA approved air quality monitors and monitor locations capable of detecting ozone and ozone precursors at the revised NAAQS level. EPA proposes that EGLE has met the infrastructure SIP requirements of section 110(a)(2)(B) with respect to the 2015 ozone NAAQS.

C. Section 110(a)(2)(C)—Program for Enforcement of Control Measures; Minor NSR; PSD

This section requires SIPs to set forth a program providing for enforcement of all SIP measures, and the regulation of construction of new and modified stationary sources to meet New Source Review (NSR) requirements under Prevention of Significant Deterioration (PSD) and Nonattainment NSR (NNSR) programs. Part C of the CAA (sections

160–169B) addresses PSD, while part D of the CAA (sections 171–193) addresses NNSR requirements. EPA's 2013 Guidance states that the NNSR requirements of section 110(a)(2)(C) are generally outside the scope of infrastructure SIPs; however, a state must provide for regulation of minor sources and minor modifications (minor NSR).

1. Program for Enforcement of Control Measures

A state's infrastructure SIP submission should identify the statutes, regulations, or other provisions in the SIP that provide for enforcement of emission limits and control measures. EGLE maintains this authority through MCL 324.5501–324.5542. The authority for rulemaking to establish emission limits and promulgate rules for permit programs is contained in MCL 324.5505 and MCL 324.5506. MCL 324.5526 and 324.5528 gives EGLE authority to reasonably inspect facilities and to enforce violations of the established rules, respectively. Civil action may be taken against any entity that violates these provisions under PA 451. Additional enforcement provisions including voluntary agreement of investigation, notice to discontinue pollution, power of investigation and inspection, and other violation rules are contained in MCL 324.5515, 324.5518 and 324.5526–324.5532 respectively. EPA proposes that EGLE meets the requirements of 110(a)(2)(C) with respect to enforceability of control measures contained in its MCL regarding the 2015 ozone NAAQS.

2. Minor NSR

To satisfy the sub element for preconstruction regulation of the modification and construction of minor stationary sources and the minor modification of major stationary sources, an infrastructure SIP submission should identify the existing EPA approved SIP provisions and/or include new provisions that govern the minor source pre-construction program that regulates emissions of the relevant NAAQS pollutant(s). The EPA rules addressing SIP requirements for pre-construction regulatory programs that apply to minor sources and minor modifications are at 40 CFR 51.160 through 51.164.

The State of Michigan's minor source permit to install rules are contained in Part 2 (Air Use Approval) of the Michigan Administrative Code. Changes to the Part 2 rules were submitted on November 12, 1993; May 16, 1996; April 3, 1998; September 2, 2003; March 24, 2009; and February 28, 2017. EPA

approved changes to the Part 2 rules most recently in a final approval dated July 1, 2019 (84 FR 25180), and therefore proposes that Michigan has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

3. PSD

To satisfy the sub element regarding the PSD program required by CAA title I part C, an infrastructure SIP submission should demonstrate that one or more air agencies have the authority to implement a comprehensive PSD permit program under CAA title I part C, for all PSD-subject sources located in areas that are designated attainment or unclassifiable for one or more NAAQS. The infrastructure SIP submission should also identify the existing SIP provisions that govern the major source PSD program.

The evaluation of each state's submission addressing the infrastructure SIP requirements of section 110(a)(2)(C) covers: (i) Enforcement of SIP measures; (ii) PSD provisions that explicitly identify NO_x as a precursor to ozone in the PSD program; (iii) identification of precursors to PM_{2.5}³ and identification of PM_{2.5} and PM₁₀⁴ condensables in the PSD program; (iv) PM_{2.5} increments in the PSD program; and, (v) greenhouse gas (GHG) permitting and the "Tailoring Rule."⁵

Sources in Michigan that install equipment that will emit ozone precursors are subject to permit-to-install regulations under MAC Rules 336.1201 through 336.1209 and include consideration of VOCs and NO_x. PSD program regulations (MAC Rules 336.2801 through R 336.2823) require any new major or modified source to undergo PSD review.⁶

³ PM_{2.5} refers to particles with an aerodynamic diameter of less than or equal to 2.5 micrometers, also referred to as "fine" particles.

⁴ PM₁₀ refers to particles with an aerodynamic diameter of less than or equal to 10 micrometers.

⁵ In EPA's April 28, 2011 proposed rulemaking for infrastructure SIPs for the 1997 ozone and PM_{2.5} NAAQS, we stated that each state's PSD program must meet applicable requirements for evaluation of all regulated NSR pollutants in PSD permits (76 FR 23757 at 23760). This view was reiterated in EPA's August 2, 2012 proposed rulemaking for infrastructure SIPs for the 2006 PM_{2.5} NAAQS (77 FR 45992 at 45998). In other words, if a state lacks provisions needed to adequately address NO_x as a precursor to ozone, PM_{2.5} precursors, PM_{2.5} and PM₁₀ condensables, PM_{2.5} increments, or the Federal GHG permitting thresholds, the provisions of section 110(a)(2)(C) requiring a suitable PSD permitting program must be considered not to be met irrespective of the NAAQS that triggered the requirement to submit an infrastructure SIP, including the 2015 ozone NAAQS.

⁶ Effective February 16, 2017, EPA updated the modeling appendix at 40 CFR part 51, appendix W

a. PSD Provisions That Explicitly Identify NO_x as a Precursor to Ozone in the PSD Program

EPA's "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule to Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter, and Ozone NAAQS; Final Rule for Reformulated Gasoline" (Phase 2 Rule) was published on November 29, 2005. Among other requirements, the Phase 2 Rule obligated states to revise their PSD programs to explicitly identify NO_x as a precursor to ozone (70 FR 71612 at 71679, 71699–71700). This requirement was codified in 40 CFR 51.166.7. EPA approved revisions to Michigan's PSD SIP reflecting these requirements on April 4, 2014 (see 79 FR 18802), and therefore proposes that Michigan has met the set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

b. Identification of Precursors to PM_{2.5} and the Identification of PM_{2.5} and PM₁₀ Condensables in the PSD Program

On May 16, 2008 (see 73 FR 28321), EPA issued the Final Rule on the "Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers (PM_{2.5})" (2008 NSR Rule). The 2008 NSR Rule finalized several new requirements for SIPs to address sources that emit direct PM_{2.5} and other pollutants that contribute to secondary PM_{2.5} formation. One of these requirements is for NSR permits to address pollutants responsible for the secondary formation of PM_{2.5}, otherwise known as precursors. In the 2008 rule, EPA identified precursors to PM_{2.5} for the PSD program to be SO₂ and NO_x (unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that NO_x emissions in an area are not a significant contributor to that area's ambient PM_{2.5} concentrations). The 2008 NSR Rule also specifies that VOCs are not considered to be precursors to PM_{2.5} in the PSD program unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of VOCs in an area are significant contributors to that area's ambient PM_{2.5} concentrations.

(82 FR 5182). EPA proposed approval of Michigan Part 9 rules (86 FR 15837) on March 24, 2021 incorporating the CFR update. The finalization of the rule update will dictate finalization of this element.

The explicit references to SO₂, NO_x, and VOCs as they pertain to secondary PM_{2.5} formation are codified at 40 CFR 51.166(b)(49)(i)(b) and 40 CFR 52.21(b)(50)(i)(b). As part of identifying pollutants that are precursors to PM_{2.5}, the 2008 NSR Rule also required states to revise the definition of "significant" as it relates to a net emissions increase or the potential of a source to emit pollutants. Specifically, 40 CFR 51.166(b)(23)(i) and 40 CFR 52.21(b)(23)(i) define "significant" for PM_{2.5} to mean the following emissions rates: 10 tons per year (tpy) of direct PM_{2.5}; 40 tpy of SO₂; and 40 tpy of NO_x (unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that NO_x emissions in an area are not a significant contributor to that area's ambient PM_{2.5} concentrations). The deadline for states to submit SIP revisions to their PSD programs incorporating these changes was May 16, 2011 (see 73 FR 28321 at 28341).⁷

The 2008 NSR Rule did not require states to immediately account for gases that could condense to form particulate matter, known as condensables, in PM_{2.5} and PM₁₀ emission limits in NSR permits. Instead, EPA determined that states had to account for PM_{2.5} and PM₁₀ condensables for applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in PSD permits beginning on or after January 1, 2011. This requirement is codified in 40 CFR 51.166(b)(49)(i)(a)

⁷ EPA notes that on January 4, 2013, the U.S. Court of Appeals for the D.C. Circuit, in *Natural Resources Defense Council v. EPA*, 706 F.3d 428 (D.C. Cir.), held that EPA should have issued the 2008 NSR Rule in accordance with the CAA's requirements for PM₁₀ nonattainment areas (Title I, part D, subpart 4), and not the general requirements for nonattainment areas under subpart 1 (*Natural Resources Defense Council v. EPA*, No. 08–1250). As the subpart 4 provisions apply only to nonattainment areas, EPA does not consider the portions of the 2008 rule that address requirements for PM_{2.5} attainment and unclassifiable areas to be affected by the court's opinion. Moreover, EPA does not anticipate the need to revise any PSD requirements promulgated by the 2008 NSR rule in order to comply with the court's decision. Accordingly, EPA's approval of Michigan's infrastructure SIP as to elements (C), (D)(i)(II), or (J) with respect to the PSD requirements promulgated by the 2008 implementation rule does not conflict with the court's opinion. The court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 implementation rule also does not affect EPA's action on the present infrastructure action. EPA interprets the CAA to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due three years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as 10 years following designations for some elements.

and 40 CFR 52.21(b)(50)(i)(a). Revisions to states' PSD programs incorporating the inclusion of condensables were required to be submitted to EPA by May 16, 2011 (see 73 FR 28321 at 28341). EPA approved revisions to Michigan's PSD SIP reflecting these requirements on April 4, 2014 (see 79 FR 18802), and therefore proposes that Michigan has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

c. PM_{2.5} Increments in the PSD Program

On October 20, 2010, EPA issued the final rule on the "Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)" (2010 NSR Rule). This rule established several components for making PSD permitting determinations for PM_{2.5}, including a system of "increments" which is the mechanism used to estimate significant deterioration of ambient air quality for a pollutant. These increments are codified in 40 CFR 51.166(c) and 40 CFR 52.21(c), and are included in Table 1 below.

TABLE 1—PM_{2.5} INCREMENTS ESTABLISHED BY THE 2010 NSR RULE IN MICROGRAMS PER CUBIC METER

	Annual arithmetic mean	24-hour max
Class I	1	2
Class II	4	9
Class III	8	18

The 2010 NSR Rule also established a new "major source baseline date" for PM_{2.5} as October 20, 2010, and a new trigger date for PM_{2.5} as October 20, 2011. These revisions are codified in 40 CFR 51.166(b)(14)(i)(c) and (b)(14)(ii)(c), and 40 CFR 52.21(b)(14)(i)(c) and (b)(14)(ii)(c). Lastly, the 2010 NSR Rule revised the definition of "baseline area" to include a level of significance of 0.3 micrograms per cubic meter, annual average, for PM_{2.5}. This change is codified in 40 CFR 51.166(b)(15)(i) and 40 CFR 52.21(b)(15)(i). On April 4, 2014 (79 FR 18802), EPA finalized approval of the applicable infrastructure SIP PSD revisions; therefore, we are proposing that Michigan has met this set of infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

d. GHG Permitting and the "Tailoring Rule" in the PSD Program

With respect to the requirements of section 110(a)(2)(C) as well as section 110(a)(2)(J), EPA interprets the CAA to require each state to make an infrastructure SIP submission for a new or revised NAAQS that demonstrates that the air agency has a complete PSD permitting program meeting the current requirements for all regulated NSR pollutants. The requirements of section 110(a)(2)(D)(i)(II) may also be satisfied by demonstrating that the air agency has a complete PSD permitting program correctly addressing all regulated NSR pollutants. EGLE has shown that it currently has a PSD program in place that covers all regulated NSR pollutants, including GHGs.

On June 23, 2014, the United States Supreme Court issued a decision addressing the application of PSD permitting requirements to GHG emissions. In the case *Utility Air Regulatory Group v. Environmental Protection Agency*, 134 S. Ct. 2427, the Supreme Court said that EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD permit. The Court also said that EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT).

In accordance with the Court's decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (the D.C. Circuit) issued an amended judgment vacating the regulations that implemented Step 2 of the EPA's PSD and Title V GHG Tailoring Rule, but not the regulations that implement Step 1 of that rule. Step 1 of the Tailoring Rule covers sources that are required to obtain a PSD permit based on emissions of pollutants other than GHGs. Step 2 applied to sources that emitted only GHGs above the thresholds triggering the requirement to obtain a PSD permit. The amended judgment preserves, without the need for additional rulemaking by the EPA, the application of the BACT requirement to GHG emissions from Step 1 or "anyway" sources. With respect to Step 2 sources, the D.C. Circuit's amended judgment vacated the regulations at issue in the litigation, including 40 CFR 51.166(b)(48)(v), "to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the

potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emission increase from a modification."

EPA is planning to take additional steps to revise Federal PSD rules to address the Supreme Court's opinion and subsequent D.C. Circuit's ruling. Some states have begun to revise their existing SIP-approved PSD programs to address these court decisions, and some states may prefer not to initiate this process until they have more information about the planned revisions to EPA's PSD regulations. EPA is not expecting states to have revised their PSD programs in anticipation of EPA's planned actions to revise its PSD program rules in response to the court decisions. For purposes of infrastructure SIP submissions, EPA is only evaluating such submissions to ensure that the state's program addresses GHGs consistent with both court decisions.

At present, EPA is proposing that Michigan's SIP is sufficient to satisfy Elements C, D(i)(II), and J with respect to GHGs because the PSD permitting program previously approved by EPA into the SIP continues to require that PSD permits (otherwise required based on emissions of pollutants other than GHGs) contain limitations on GHG emissions based on the application of BACT. Although the approved Michigan PSD permitting program may currently contain provisions that are no longer necessary in light of the Supreme Court decision, this does not render the infrastructure SIP submission inadequate to satisfy Elements C, (D)(i)(II), and J. The SIP contains the necessary PSD requirements at this time, and the application of those requirements is not impeded by the presence of other previously-approved provisions regarding the permitting of sources of GHGs that EPA does not consider necessary at this time in light of the Supreme Court decision.

For the purposes of the 2015 ozone NAAQS infrastructure SIP, EPA reiterates that NSR Reform regulations are not within the scope of these actions. Therefore, we are not taking action on existing NSR Reform regulations for Michigan. EPA approved Michigan's minor NSR program on May 6, 1980 (see 45 FR 29790); and since that date, EGLE and EPA have relied on the existing minor NSR program to ensure that new and modified sources not captured by the major NSR permitting programs do not interfere with attainment and maintenance of the 2015 ozone NAAQS.

Certain sub elements in this section overlap with elements of section 110(a)(2)(D)(i), section 110(a)(2)(E) and

section 110(a)(2)(J). These links will be discussed in the appropriate areas below. EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(C) with respect to the 2015 ozone NAAQS.

D. Section 110(a)(2)(D)—Interstate Transport

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as “prongs,” that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4).

Section 110(a)(2)(D)(i)(I) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another state.

Section 110(a)(2)(D)(i)(II) requires that SIPs include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another state.

1. Significant Contribution to Nonattainment

In this rulemaking, EPA is not evaluating section 110(a)(2)(D)(i)(I) requirements relating to significant contribution to nonattainment for the 2015 ozone NAAQS. Instead, EPA will evaluate these requirements in a separate rulemaking.

2. Interference With Maintenance

In this rulemaking, EPA is not evaluating section 110(a)(2)(D)(i)(I) requirements relating to significant contribution to nonattainment for the 2015 ozone NAAQS. Instead, EPA will evaluate these requirements in a separate rulemaking.

3. Interference With PSD

EPA notes that Michigan’s satisfaction of the applicable infrastructure SIP PSD

requirements for the 2015 ozone NAAQS have been detailed in the section addressing section 110(a)(2)(C). EPA further notes that the proposed actions in that section related to PSD are consistent with the proposed actions related to PSD for section 110(a)(2)(D)(i)(II), and they are reiterated below.

EPA has previously approved revisions to Michigan’s SIP that meet certain requirements obligated by the Phase 2 Rule and the 2008 NSR Rule. These revisions included provisions that: Explicitly identify NO_x as a precursor to ozone, explicitly identify SO₂ and NO_x as precursors to PM_{2.5} and regulate condensable PM_{2.5} and PM₁₀ in applicability determinations and establishing emissions limits. EPA has also previously approved revisions to Michigan’s SIP that incorporate the PM_{2.5} increments and the associated implementation regulations including the major source baseline date, trigger date, and level of significance for PM_{2.5} per the 2010 NSR Rule. EPA is proposing that Michigan’s SIP contains provisions that adequately address the 2015 ozone NAAQS.

States also have an obligation to ensure that sources located in nonattainment areas do not interfere with a neighboring state’s PSD program. One way that this requirement can be satisfied is through an NNSR program consistent with the CAA that addresses any pollutants for which there is a designated nonattainment area within the state.

Michigan’s EPA approved NNSR regulations found in Part 2 of the SIP, specifically in Michigan Administrative Code sections Rules 336.1220 and R 336.1221, are consistent with 40 CFR 51.165, or 40 CFR part 51, appendix S. Therefore, EPA proposes that Michigan has met all the applicable PSD requirements for the 2015 ozone NAAQS for transport prong 3 related to section 110(a)(2)(D)(i)(II).

4. Interference With Visibility Protection

In this rulemaking, EPA is proposing to disapprove Michigan’s satisfaction of the visibility protection requirements of section 110(a)(2)(D)(i)(II), transport prong 4, for the 2015 ozone NAAQS. Michigan has a partially approved Regional Haze Plan and is subject to FIPs for a few source categories. See 81 FR 21672 (April 12, 2016) for more information on the FIPs that apply to this area. EPA is proposing to disapprove because Michigan does not have a fully approved Regional Haze SIP; however, because the FIP clocks were started by a different action, and

the FIPs are already in place, no further action is needed as a result of this element.

5. Interstate and International Pollution Abatement

Section 110(a)(2)(D)(ii) requires each SIP to contain adequate provisions requiring compliance with the applicable requirements of section 126 and section 115 (relating to interstate and international pollution abatement, respectively).

Section 126(a) requires new or modified sources to notify neighboring states of potential impacts from the source. The statute does not specify the method by which the source should provide the notification. States with SIP-approved PSD programs must have a provision requiring such notification by new or modified sources. A lack of such a requirement in state rules would be grounds for disapproval of this element.

Michigan has provisions in its EPA approved PSD program in Michigan Administrative Code Rule 336.2817 requiring new or modified sources to notify neighboring states of potential negative air quality impacts and has referenced this program as having adequate provisions to meet the requirements of section 126(a). EPA is proposing that Michigan has met the infrastructure SIP requirements of section 126(a). Michigan does not have any obligations under any other subsection of section 126, nor does it have any pending obligations under section 115. EPA, therefore, is proposing that Michigan has met all applicable infrastructure SIP requirements of section 110(a)(2)(D)(ii) for the 2015 ozone NAAQS.

E. Section 110(a)(2)(E)—Adequate Authority and Resources; State Board Requirements

This section requires each state to provide for adequate personnel, funding, and legal authority under state law to carry out its SIP, and related issues. Section 110(a)(2)(E)(ii) also requires each state to comply with the requirements respecting state boards under section 128.

1. Adequate Resources

To satisfy the adequate resources requirements of section 110(a)(2)(E), the state should provide assurances that its air agency has adequate resources, personnel, and legal authority to implement the relevant NAAQS.

EGLE’s SIP program is funded through 105 and 103 grants and matching funds from the state’s General Fund. As discussed in earlier sections,

EGLE has the legal authority to carry out the Michigan SIP under Act 451 and the Executive Reorganization Order 2011–1. Michigan's PSD regulations provide adequate resources to permit GHG sources. EPA proposes that Michigan has met the infrastructure SIP requirements of this portion of section 110(a)(2)(E) with respect to the 2015 ozone NAAQS.

2. State Board Requirements

In this rulemaking, EPA is not proposing to approve or disapprove Michigan's satisfaction of the state board requirements of section 110(a)(2)(E) for the 2015 ozone NAAQS. Instead, EPA will evaluate Michigan's compliance with these requirements in a separate rulemaking.

F. Section 110(a)(2)(F)—Stationary Source Monitoring System

Section 110(a)(2)(F) contains several requirements, each of which are described below.

States must establish a system to monitor emissions from stationary sources and submit periodic emissions reports. Each plan shall also require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources. The state plan shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and correlation of such reports by each state agency with any emission limitations or standards established pursuant to this chapter. Lastly, the reports shall be available at reasonable times for public inspection.

EGLE implements a stationary source monitoring program under the authority of MCL 324.5512 and MCL 324.5503 of Act 451. Additional emissions testing, sampling, and reporting requirements are found in Michigan Administrative Code Rules 336.201 through 336.202 and Rules 336.2011 through 336.2199. Emissions data is submitted to EPA through the National Emissions Inventory system and is available to the public online and upon request. EPA proposes that Michigan has satisfied the infrastructure SIP requirements of section 110(a)(2)(F) with respect to the 2015 ozone NAAQS.

G. Section 110(a)(2)(G)—Emergency Episodes

This section requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or to an EPA

finding that the SIP is substantially inadequate.

EGLE has the authority to require immediate discontinuation of air contamination discharges that constitute an imminent and substantial endangerment to public health, safety, welfare, or the environment under MCL 324.5518 of Act 451. MCL 324.5530 provides for civil action by the Michigan Attorney General for a violation as just described. EPA proposes that Michigan has met the applicable infrastructure SIP requirements of section 110(a)(2)(G) related to authority to implement measures to restrain sources from causing or contributing to emissions which present an imminent and substantial endangerment to public health or welfare, or the environment with respect to the 2015 ozone NAAQS.

H. Section 110(a)(2)(H)—Future SIP Revisions

This section requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or to an EPA finding that the SIP is substantially inadequate.

EGLE continues to update and implement needed revisions to Michigan's SIP as necessary to meet ambient air quality standards. Authority for EGLE to adopt emissions standards and compliance schedules is found at MCL 324.5512 and MCL 324.5503 of Act 451. EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(H) with respect to the 2015 ozone NAAQS.

I. Section 110(a)(2)(I)—Nonattainment Planning Requirements of Part D

The CAA requires that each plan or plan revision for an area designated as a nonattainment area meet the applicable requirements of part D of the CAA. Part D relates to nonattainment areas.

EPA has determined that section 110(a)(2)(I) is not applicable to the infrastructure SIP process. Instead, EPA takes action on part D attainment plans through separate processes.

J. Section 110(a)(2)(J)—Consultation With Government Officials; Public Notification; PSD; Visibility Protection

The evaluation of the submissions from Michigan with respect to the requirements of section 110(a)(2)(J) is described below.

1. Consultation With Government Officials

States must provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements.

Michigan actively participates in the regional planning efforts that include business, community groups, state rule developers, representatives from the FLMs, and other affected stakeholders. Michigan Administrative Code Rule 336.2816 requires that FLMs are provided with notification of permit applications that may impact class I areas. Additionally, Michigan is an active member of the Lake Michigan Air Directors Consortium, which consists of collaboration with the States of Illinois, Wisconsin, Indiana, Minnesota, and Ohio. EPA proposes that Michigan has met the infrastructure SIP requirements of this portion of section 110(a)(2)(J) with respect to the 2015 ozone NAAQS.

2. Public Notification

Section 110(a)(2)(J) also requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

EGLE notifies the public if there are NAAQS exceedances and of any public health hazards associated with those exceedances through CleanAirAction!,⁸ AirNow,⁹ and EnviroFlash¹⁰ as well as posting on its website.¹¹ EGLE published an annual air quality report comparing Michigan monitors to the NAAQS. EPA proposes that Michigan has met the infrastructure SIP requirements of this portion of section 110(a)(2)(J) with respect to the 2015 ozone NAAQS.

3. PSD

States must meet applicable requirements of section 110(a)(2)(C) related to PSD. EGLE's PSD program in the context of infrastructure SIPs has already been discussed in the paragraphs addressing section 110(a)(2)(C) and 110(a)(2)(D)(i)(II), and EPA notes that the proposed actions for those sections are consistent with the proposed actions for this portion of section 110(a)(2)(J). Therefore, EPA proposes that Michigan has met all of the infrastructure SIP requirements for

⁸ <https://www.wmcac.org/todays-forecast>.

⁹ <https://www.airnow.gov/>.

¹⁰ https://www.michigan.gov/egle/0,9429,7-135-3310_70316_4195-101321-,00.html#:~:text=EnviroFlash%20is%20a%20free%20service,match%20expected%20air%20quality%20conditions.

¹¹ <https://www.michigan.gov/egle/0,9429,7-135-3310-,00.html>.

PSD associated with section 110(a)(2)(D)(j) for the 2015 ozone NAAQS.

4. Visibility Protection

States are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new visibility obligation “triggered” under section 110(a)(2)(j) when a new NAAQS becomes effective. In other words, the visibility protection requirements of section 110(a)(2)(j) are not germane to infrastructure SIPs for the 2015 ozone NAAQS.

K. Section 110(a)(2)(K)—Air Quality Modeling/Data

SIPs must provide for performing air quality modeling for predicting effects on air quality of emissions of any NAAQS pollutant and submission of such data to EPA upon request.

EGLE continues to review the potential impact of major, and some minor, new and modified sources using computer models. Effective February 16, 2017, EPA updated the modeling appendix at 40 CFR part 51, appendix W (82 FR 5182). This action included

enhancements to the formulation and application of the EPA’s preferred near-field dispersion modeling system, AERMOD (American Meteorological Society (AMS)/EPA Regulatory Model), and the incorporation of a tiered demonstration approach to address the secondary chemical formation of ozone and PM_{2.5} associated with precursor emissions from single sources. EPA proposed approval of Michigan’s Part 9 Rule Update on March 24, 2021 (86 FR 15837) incorporating the CFR update. The finalization of the rule update will dictate finalization of this element. Modeling data are available to EPA or other interested parties upon request. EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(K) with respect to the 2015 ozone NAAQS.

L. Section 110(a)(2)(L)—Permitting Fees

EGLE implements and operates the title V permit program, which EPA approved on December 4, 2001 (66 FR 62969) EPA approved revisions to the program on February 28, 2006 (71 FR 9934). EGLE’s authority to levy and collect an annual air quality fee from fee-subject facilities is found in section 324.5522 of Act 451. EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(L) with respect to the 2015 ozone NAAQS.

M. Section 110(a)(2)(M)—Consultation/Participation by Affected Local Entities

States must consult with and allow participation from local political subdivisions affected by the SIP.

EGLE regularly works with local political subdivisions for attainment planning purposes and actively participates in regional planning organizations. Rulemaking is subject to notice, comment, and hearing requirements under the Michigan Administrative Procedures Act, 1969 PA 306 and is authorized in MCL 324.5512. EPA proposes that Michigan has met the infrastructure SIP requirements of section 110(a)(2)(M) with respect to the 2015 ozone NAAQS.

III. What action is EPA taking?

EPA is proposing to approve most elements and disapprove one element of a submission from EGLE certifying that its current SIP is sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 2015 ozone NAAQS. The disapproved prong 4 does not begin a new FIP clock, as FIPs are already in place in response to those deficiencies.

EPA’s proposed actions for the state’s satisfaction of infrastructure SIP requirements, by element of section 110(a)(2) are contained in the table below.

Element	2015 Ozone
(A)—Emission limits and other control measures	A
(B)—Ambient air quality monitoring/data system	A
(C)1—Program for enforcement of control measures	A
(C)2—Minor NSR	A
(C)3—PSD	A
(D)1—I Prong 1: Interstate transport—significant contribution to nonattainment	A
(D)2—I Prong 2: Interstate transport—interference with maintenance	A
(D)3—II Prong 3: Interstate transport—interference with PSD	A
(D)4—II Prong 4: Interstate transport—interference with visibility protection	D
(D)5—Interstate and international pollution abatement	A
(E)1—Adequate resources	A
(E)2—State board requirements	NA
(F)—Stationary source monitoring system	A
(G)—Emergency powers	A
(H)—Future SIP revisions	A
(I)—Nonattainment planning requirements of part D	(*)
(J)1—Consultation with government officials	A
(J)2—Public notification	A
(J)3—PSD	A
(J)4—Visibility protection	(*)
(K)—Air quality modeling/data	A
(L)—Permitting fees	A
(M)—Consultation/participation by affected local entities	A

In the above table, the key is as follows:

- A Approve.
- D Disapprove.
- NA No Action/Separate Rulemaking.
- * Not germane to infrastructure SIPs.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.

42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not

impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: June 28, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–14152 Filed 7–1–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R04–OAR–2021–0322; FRL–10025–78–Region 4]

Air Quality Designations; NC: Redesignation of the Brunswick County 2010 Sulfur Dioxide Unclassifiable Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a submission by the State of North Carolina, through the Department of Air Quality (DAQ), on April 23, 2021, to redesignate the Brunswick County, North Carolina, unclassifiable area (hereinafter referred to as the “Brunswick County Area” or “Area”) to attainment/unclassifiable for the 2010 1-hour primary sulfur dioxide (SO₂) national ambient air quality standard (hereinafter referred to as the “2010 SO₂ 1-hour NAAQS”). Because EPA now has sufficient information to determine that the Brunswick County Area is attaining the 2010 1-hour SO₂ national ambient air quality standards (NAAQS), the Agency is proposing to approve the State’s redesignation request, thereby redesignating the Area from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO₂ NAAQS.

DATES: Comments must be received on or before August 2, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2021–0322 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally

not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Evan Adams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Adams can be reached by telephone at (404) 562–9009 or via electronic mail at adams.evan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (CAA or Act) establishes a process for air quality management through the establishment and implementation of the NAAQS. On June 2, 2010, EPA revised the primary SO₂ NAAQS, establishing a new 1-hour SO₂ standard of 75 parts per billion (ppb). See 75 FR 35520 (June 22, 2010).¹ After the promulgation of a new or revised NAAQS, EPA is required to designate all areas of the country pursuant to section 107(d)(1)–(2) of the CAA. For the 2010 1-hour SO₂ NAAQS, designations were based on EPA’s application of the nationwide analytical approach to, and technical assessment of, the weight of evidence for each area, including but not limited to available air quality monitoring data and air quality modeling results. In advance of designating the Brunswick County Area, EPA issued updated designations guidance through a March 20, 2015, memorandum from Stephen D. Page, Director, U.S. EPA, Office of Air Quality Planning and Standards, to Regional Air Division Directors, U.S. EPA Regions 1–10, titled “Updated Guidance for Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard.” This document contains the factors that EPA evaluated in determining the appropriate designations and associated boundaries when designating the Brunswick County Area, including: (1) Air quality characterization via ambient monitoring or dispersion modeling results; (2) emissions-related data; (3) meteorology; (4) geography and topography; and (5)

¹ On February 25, 2019 (effective April 17, 2019), EPA issued a decision to retain the existing NAAQS for SO₂. See 84 FR 9866 (March 18, 2019).

jurisdictional boundaries.^{2,3} The guidance also referenced EPA's non-binding Monitoring Technical Assistance Document (Monitoring TAD)⁴ and Modeling Technical Assistance Document (Modeling TAD),⁵ which contain scientifically sound recommendations on how air agencies should conduct such monitoring or modeling.

EPA completed the first set of initial area designations for the 2010 1-hour SO₂ NAAQS in 2013 (Round 1). Pursuant to a March 2, 2015, consent decree and court-ordered schedule,⁶ EPA finalized a second set of initial area designations for the 2010 1-hour SO₂ NAAQS in 2016 (Round 2). The March 2, 2015, consent decree identified the following emissions criteria such that EPA must designate, in Round 2, an area surrounding any stationary source which had: (a) Annual emissions in 2012 exceeding 16,000 tons of SO₂, or (b) both an annual average emissions rate of at least 0.45 pounds of SO₂ per one million British thermal units, according to EPA's Clean Air Markets Division Database, and annual emissions of at least 2,600 tons of SO₂ in 2012. North Carolina had one source, the Capital Power Incorporated (CPI) Southport Cape Fear facility in Brunswick County, that met these Round 2 criteria.

EPA evaluated the Brunswick County Area, using the five factors identified previously, during the Round 2 designations. This evaluation is discussed further in Section III of this notice. The CPI Southport facility, located on the coast of southeastern North Carolina in the southeastern portion of Brunswick County, was an

electric power generation plant with two electric generating units (EGUs) that were permitted to combust a variety of solid fuels, including coal, woody biomass fuels, and tire derived fuel. CPI was included in the list of facilities to be designated pursuant to the March 2, 2015, Consent Decree.⁷

EPA's March 20, 2015, guidance specified the designation category definitions to be used in the Round 2 designations. Specifically, EPA defined a "nonattainment" area as an area that EPA has determined violates the 2010 1-hour SO₂ NAAQS based on the most recent three years of quality-assured, certified ambient air quality monitoring data or an appropriate modeling analysis, or that EPA has determined contributes to a violation in a nearby area; and defined an "attainment" area as an area that EPA has determined meets the 2010 1-hour SO₂ NAAQS and does not contribute to a violation of the NAAQS in a nearby area based on either: (a) The most recent three years of ambient air quality monitoring data from a monitoring network in an area that is sufficient to be compared to the NAAQS per EPA interpretations in the Monitoring TAD, or (b) an appropriate modeling analysis.

As discussed further in Section III of this notice, EPA was unable to determine whether the Brunswick County Area met the definition of a nonattainment area or the definition of an attainment area based on the available information at the time of the Round 2 designations. As a result, EPA designated the Brunswick County Area as unclassifiable in the Round 2 designations published on July 12, 2016.⁸ The Area includes all six townships (Lockwood Folly Township, Northwest Township, Shallotte Township, Smithville Township, Town Creek Township, Waccamaw Township) within the jurisdictional boundary of

Brunswick County. Detailed rationale, analyses, and other information supporting EPA's original Round 2 designation for this Area can be found in the Round 2 designation's technical support document (TSD) for North Carolina. All supporting materials for the original 2010 1-hour SO₂ NAAQS designation for the Brunswick County Area, including the TSD, can be found on EPA's SO₂ designations website.⁹

After reviewing North Carolina's redesignation request under CAA section 107(d)(3)(D) and all available information, EPA is proposing to redesignate the Brunswick County Area from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO₂ standard based on a valid ambient SO₂ design value that adequately characterizes the SO₂ air quality in the Brunswick County Area. See Sections II and III below for more information on the criteria to redesignate unclassifiable SO₂ areas and the rationale for this proposed action.

II. What are the criteria for redesignating an area from unclassifiable to attainment/unclassifiable?

Section 107(d)(3)(A) of the CAA provides that the Administrator may notify the Governor of any state that the designation of an area should be revised "on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate."¹⁰ The Act further provides in section 107(d)(3)(D) that even if the Administrator has not notified a state Governor that a designation should be revised, the Governor of any state may, on the Governor's own motion, submit a request to revise the designation of any area, and the Administrator must approve or deny the request. In keeping with CAA section 107(d)(3)(A), areas that are redesignated to attainment/unclassifiable¹¹ must meet the

² The 2015 memorandum is available at <https://www.epa.gov/sites/production/files/2016-04/documents/20150320so2designations.pdf>.

³ This designation guidance has since been supplemented by a July 22, 2016, designation guidance memorandum from Stephen D. Page, Director, U.S. EPA, Office of Air Quality Planning and Standards, to Regional Air Division Directors, U.S. EPA Regions 1–10. The 2016 memorandum is available at <https://www.epa.gov/sites/production/files/2016-07/documents/areadesign.pdf>.

⁴ The version of the EPA's "SO₂ NAAQS Designations Source-Oriented Monitoring Technical Assistance Document" (Monitoring TAD) available at the time of the Round 2 designations action was released in December 2013. The current version of the Monitoring TAD was released in February 2016 and superseded the version released in December 2013.

⁵ "Sulfur Dioxide (SO₂) National Ambient Air Quality Standards Designations Modeling Technical Assistance Document," August 2016 draft, available at <https://www.epa.gov/sites/production/files/2016-06/documents/so2modelingtad.pdf>. EPA released earlier drafts of this document in May 2013 and February 2016.

⁶ See *Sierra Club et. al. v. McCarthy*, Civil Action No. 3:13-cv-3953-SI (N.D. Cal.) and 79 FR 31325 (June 2, 2014).

⁷ CPI Southport was also subject to EPA's 2015 Data Requirements Rule (DRR) for the 2010 SO₂ 1-hour NAAQS. See <https://www.epa.gov/sites/production/files/2016-06/documents/nc.pdf> for North Carolina's letter and DRR source list, dated January 15, 2016. EPA separately promulgated the DRR which required states to undertake air quality characterization for areas with SO₂ sources meeting certain criteria. Specifically, the DRR required state air agencies to provide additional monitoring or modeling information to characterize air quality in areas associated with sources meeting certain criteria or that have otherwise been listed under the DRR by EPA or state air agencies, or to instead impose federally enforceable emission limitations on those sources restricting their annual SO₂ emissions to less than 2,000 tons per year, or provide documentation that the sources have been shut down, by specified dates. The information generated by implementation of the DRR informed EPA's designations.

⁸ See 81 FR 45039 (July 12, 2016, effective September 12, 2016) codified at 40 CFR 81.334.

⁹ EPA's SO₂ designations website can be found at <https://www.epa.gov/sulfur-dioxide-designations/epa-completes-second-round-sulfur-dioxide-designations>.

¹⁰ While CAA section 107(d)(3)(E) also lists specific requirements for redesignations, those requirements only apply to redesignations of nonattainment areas to attainment and, therefore, are not applicable in the context of a redesignation of an area from unclassifiable to attainment/unclassifiable.

¹¹ Historically, EPA has designated most areas that do not meet the definition of nonattainment as "unclassifiable/attainment." EPA has reversed the order of the label to be "attainment/unclassifiable" to better convey the definition of the designation category and so that the category is more easily distinguished from the separate unclassifiable

requirements for attainment areas and, thus, must meet the relevant NAAQS. In addition, the area must not contribute to ambient air quality in a nearby area that does not meet the NAAQS. See the definitions for nonattainment area, attainment area, and unclassifiable area in CAA section 107(d)(1)(A)(i)–(iii).

In its designations under the 2010 1-hour SO₂ NAAQS, EPA has generally defined an attainment/unclassifiable area as an area that, based on available information including (but not limited to) appropriate monitoring data and/or modeling analyses, EPA has determined meets the NAAQS and determined that the available information indicates that the area does not likely contribute to ambient air quality in a nearby area that does not meet the NAAQS. EPA is proposing to find that the Brunswick County Area now meets the definition of attainment/unclassifiable based upon a 3-year certified and complete design value of air quality monitoring data that demonstrates attainment, *i.e.*, no violations of the 2010 1-hour SO₂ NAAQS, and the fact that sources in Brunswick County are not contributing to a nearby area that is violating the NAAQS. EPA preliminarily finds this information sufficient for the purposes of redesignating an area from unclassifiable to attainment/unclassifiable. Such redesignations are functionally similar to initial designations and are not subject to CAA section 107(d)(3)(E), which, amongst

other things, requires attainment to be due to permanent and enforceable measures and which requires a demonstration that the area will maintain the NAAQS for 10 years. For the Brunswick County Area, DEQ submitted a request to redesignate the area from unclassifiable to attainment/unclassifiable on April 23, 2021.¹²

III. What is EPA’s rationale for proposing to redesignate the area?

The Brunswick County Area includes the CPI Southport facility, which met the Round 2 criteria as discussed in Section I of this document, and thus, EPA was required to designate the Area in 2016, under the March 2, 2015, court-ordered schedule. After review of all available information at that time, including modeling provided by the State, EPA was unable to determine the Area’s attainment status, and therefore, designated Brunswick County in its entirety as unclassifiable in Round 2 of designations for the 2010 1-hour SO₂ primary NAAQS on July 12, 2016. EPA’s rationale for the unclassifiable designation is fully explained in the final Round 2 designations TSD.¹³ For Brunswick County, DAQ selected the monitoring pathway for purposes of air quality characterization pursuant to EPA’s SO₂ Data Requirements Rule (DRR) (80 FR 51052, August 21, 2015).¹⁴ Pursuant to requirements under the DRR to characterize the air quality in the area around CPI Southport, North Carolina

installed an SO₂ monitor in the area of maximum concentration for the CPI Southport facility (in accordance with EPA’s Monitoring TAD and 40 CFR parts 50 and 58) and began collecting data on January 1, 2017.¹⁵

On April 23, 2021, North Carolina submitted a letter to EPA requesting that the entirety of Brunswick County be redesignated to attainment/unclassifiable based on the newly available monitoring information, which demonstrates attainment of the 2010 1-hour SO₂ NAAQS. To evaluate North Carolina’s redesignation request, EPA considered the design value for the air quality monitor in Brunswick County by assessing the most recent three consecutive years (*i.e.*, 2018–2020) of quality-assured, certified ambient air quality data in the EPA Air Quality System (AQS) using data from a monitor that was sited and operated in accordance with 40 CFR parts 50 and 58. Procedures for using monitored air quality data to determine whether a violation has occurred are provided in 40 CFR part 50 Appendix T, as revised in the 2010 1-hour SO₂ NAAQS rulemaking. As noted previously, the 2010 1-hour SO₂ NAAQS is met when the design value is 75 ppb or less. Table 1, below, contains the most recent three years of ambient SO₂ monitoring data available and shows that the Area is attaining the 2010 1-hour SO₂ NAAQS with a design value of 54 ppb for the period 2018–2020.¹⁶

TABLE 1—2010 SO₂ NAAQS MONITORING DATA FOR THE BRUNSWICK COUNTY AREA

AQS ID	Monitor site	2018 99th percentile (ppb)	2019 99th percentile (ppb)	2020 99th percentile (ppb)	2018–2020 design value (ppb)
370190005	Southport	55 *	60	46	54

* Brunswick County SO₂ monitoring measurements for the third quarter (July, August, and September) of 2018 did not meet the data completeness requirement of 75% data capture. However, a valid design value for 2018 to 2020 was obtained using the data substitution procedures in 40 CFR part 50, Appendix T, Section 3(c)(ii)(B).

Additionally, on March 31, 2020, the CPI Southport facility ceased operation, and the DAQ rescinded the facility’s operating permit effective April 1, 2021.¹⁷ After reviewing North Carolina’s

request under CAA section 107(d)(3)(D) and all available information, EPA is proposing to find that the three years of monitored ambient SO₂ data from 2018–2020 adequately characterize the SO₂ air

quality in Brunswick County and demonstrate attainment of the 2010 1-hour SO₂ NAAQS in the Area. Additionally, there is no evidence of monitored or modeled violations in the

category. See 83 FR 1098 (January 9, 2018) and 83 FR 25776 (June 4, 2018). EPA reserves the “attainment” category for when EPA redesignates a nonattainment area that has attained the relevant NAAQS and has an approved maintenance plan.

¹² This redesignation request is included in the docket for this proposed action.

¹³ The final Round 2 designations TSD can be found at https://www.epa.gov/sites/production/files/2016-07/documents/r4_nc_final_designation_tsd_06302016.pdf.

¹⁴ Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS), Final Rule, 80 FR 51052, August 21, 2015 (<https://www.govinfo.gov/>

<content/pkg/FR-2015-08-21/pdf/2015-20367.pdf>). In accordance with the DRR, 40 CFR part 51, subpart BB, through a letter dated June 30, 2016, North Carolina notified EPA that the State chose to characterize peak 1-hour SO₂ concentrations for CPI through air quality monitoring. See https://www.epa.gov/sites/production/files/2016-07/documents/north_carolina_source_characterization.pdf.

¹⁵ The monitor is located at the site of maximum concentration based on modeling following the procedures in EPA SO₂ Monitoring TADs. More details on the analyses used to support the monitor placement are contained in the state’s 2016 annual

monitoring annual network plan located in the docket for this proposed action.

¹⁶ North Carolina early certified the Southport monitor 2018–2020 air quality data in AQS on January 13, 2021. See Table 2 in North Carolina’s April 23, 2021, redesignation request.

¹⁷ The DAQ’s April 1, 2021 letter rescinding Air Quality Permit No. 05884T21 and the January 20, 2021, certified letter from Mr. Frank Hayward, General Manager, CPI USA North Carolina, LLC—Southport Plant to Mr. Brad Newland, P.E., Regional Air Quality Supervisor, Wilmington Regional Office, NC Division of Air Quality, requesting permit rescission are located in the docket for this proposed action.

surrounding counties such that the source is contributing to any nearby area that does not meet the NAAQS. EPA is therefore proposing to approve North Carolina's redesignation request and redesignate the Brunswick County Area from unclassifiable to attainment/unclassifiable based on the currently available information that demonstrates attainment of the 2010 1-hour SO₂ NAAQS.

IV. Proposed Action

EPA is proposing to approve North Carolina's April 23, 2021, request to redesignate the Brunswick County Area from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO₂ NAAQS. As discussed in prior sections, this proposed action is based on the currently available monitoring data for the Brunswick County Area that demonstrate attainment of the 2010 1-hour SO₂ primary NAAQS. If finalized, approval of the redesignation request would change the legal designation for this Area, found at 40 CFR part 81, from unclassifiable to attainment/unclassifiable for the 2010 1-hour SO₂ primary NAAQS.

V. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment/unclassifiable is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment/unclassifiable does not create any new requirements. Accordingly, this proposed action merely proposes to redesignate an area to attainment/unclassifiable and does not impose additional requirements. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

This proposed action does not 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, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: June 28, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021-14179 Filed 7-1-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF STATE

48 CFR Parts 615 and 652

[Public Notice: 10574]

RIN 1400-AE60

Department of State Acquisition Regulation; Access to Contractor Records

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State (DOS) is proposing an amendment to the Department of State Acquisition Regulation (DOSAR), to add a new contract clause relating to Department requests for examination of contractor records.

DATES: The Department of State will accept comments on this proposed rule until August 31, 2021.

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

- *E-mail:* Grayad@state.gov. You must include the RIN in the subject line of your message.

- *Mail (paper or CD-ROM submissions):* Ms. Annette Gray, Policy Division, Office of the Procurement Executive, A/OPE, 2201 C Street NW, Suite 3200, State Annex Number 15, Washington, DC 20520.

- Persons with access to the internet may view this interim rule and submit comments by visiting: <http://www.regulations.gov>, and searching for docket number DOS-2021-0007.

FOR FURTHER INFORMATION CONTACT: Ms. Tandra Jones, Office of the Procurement Executive, A/OPE, 1735 North Lynn Street, Room 442, Arlington, VA 22209. Telephone 703-875-6643.

SUPPLEMENTARY INFORMATION: The Department proposes to add 48 CFR part 615, section 615.209-70, *Examination of Records*, and 48 CFR part 652, section 652.209-70, *Examination of Records*, to the Department of State Acquisition Regulation (DOSAR).

What is the authority for this proposed rule?

Title 41 of the U.S. Code, section 4706, provides that the head of an executive agency, acting through an authorized representative, may, for the purpose of evaluating the accuracy, completeness, and currency of certified cost or pricing data required to be submitted pursuant to 41 U.S.C. chapter 35 with respect to a contract or subcontract, examine all records of the contractor or subcontractor related to:

- The proposal for the contract or subcontract;
- the discussions conducted on the proposal;
- pricing of the contract or subcontract; or
- performance of the contract or subcontract.

The Federal Acquisition Regulation (FAR), 48 CFR 15.209(b), *Solicitation provisions and contract clauses*, states (in summary) that, when contracting by negotiation, except as provided in section 15.209(b)(2),¹ the contracting officer shall insert the clause at section 52.215-2, *Audit and Records-Negotiation*, in solicitations and contracts except those for: (1) Acquisitions not exceeding the simplified acquisition threshold; (2) The acquisition of utility services at rates not exceeding those established to apply uniformly to the general public, plus any applicable reasonable connection

¹ Paragraph (b)(2) relates to contracts using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).

charge; or (3) The acquisition of commercial items exempted under section 15.403–1.

Why is the Department publishing this proposed rule?

The DOSAR implements the FAR (and therefore, the statute, 41 U.S.C. 4706) for the Department of State.² The Department has determined, after a review of the existing regulations, that further clarity is required regarding implementation of 41 U.S.C. 4706 as it relates to contracts *other than* contracts by negotiation (which, as noted, are already covered by FAR section 15.209(b)).

For these reasons, the Department proposes to add section 615.209–70 to the DOSAR, requiring the contracting officer to insert a new clause, *Examination of Records* (proposed section 652.215–70), in all solicitations and contracts other than contracts by negotiation.

Regulatory Findings

Administrative Procedure Act

In accordance with the provisions of the Administrative Procedure Act, the Department is publishing this rulemaking as a proposed rule, and providing 60 days for public comment.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this proposed rule will not have a significant economic impact on small entities. This determination is based on the fact that this proposed rulemaking clarifies within the DOSAR the authority of the Department to examine contractor records, which is already provided by statute.

Unfunded Mandates Act of 1995

This proposed rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995.

Executive Orders 12866 and 13563

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits

(including potential economic, environmental, public health and safety effects, distributive impacts and equity). E.O. 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Department of State does not consider this proposed rule to be an “economically significant regulatory action” under Executive Order 12866.

In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders and finds that the benefits of this proposed rule outweigh any costs, which the Department assesses to be minimal. As noted, this proposed rule does not impose any new requirements on contractors.

Executive Order 13132

The proposed rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this proposed rulemaking will not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Executive Order 13175

The Department has determined that this proposed rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this proposed rulemaking.

Paperwork Reduction Act

This proposed rule does not add or revise any information collection requirements subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

List of Subjects in 48 CFR Parts 615 and 652

Administrative practice and procedure, Government procurement.

For the reasons stated in the preamble, the Department of State proposes to amend 48 CFR chapter 6 as follows:

PART 615—CONTRACTING BY NEGOTIATION

■ 1. The authority citation for 48 CFR part 615 continues to read as follows:

Authority: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

■ 2. Section 615.209–70 is added to read as follows:

615.209–70 Examination of records.

The contracting officer shall insert the clause at 652.215–70, Examination of Records, in all solicitations and contracts other than those described in Federal Acquisition Regulation 15.209(b)(1).

PART 652—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for 48 CFR part 652 continues to read as follows:

Authority: 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

■ 4. Section 652.215–70 is added to read as follows:

652.215–70 Examination of Records.

As prescribed in 615.209–70, insert the following clause.

Examination of Records ([ABBREVIATED MONTH AND YEAR 30 DAYS AFTER DATE OF PUBLICATION OF FINAL RULE])

(a) With respect to matters related to this contract or a subcontract hereunder, the Department of State Office of the Inspector General, or an authorized representative, shall have upon request:

(1) Complete, prompt, and free access to all Contractor and Subcontractor files (in any format), documents, records, data, premises, and employees, except as limited by law; and

(2) The right to interview any current Contractor and Subcontractor personnel, individually and directly, with respect to such matters.

(b) This clause may not be construed to require the contractor or any subcontractor to create or maintain any record that the contractor or subcontractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(c) The Contractor shall insert a clause containing all the terms of this clause, including this paragraph (c), in all subcontracts under this contract other than acquisitions described in Federal Acquisition Regulation 15.209(b)(1).

(End of clause)

Zachary A. Parker,

Director, U.S. Department of State.

[FR Doc. 2021–13740 Filed 7–1–21; 8:45 am]

BILLING CODE 4710–24–P

² 48 CFR 601.303.

Notices

Federal Register

Vol. 86, No. 125

Friday, July 2, 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 29, 2021.

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

Comments regarding these information collections are best assured of having their full effect if received by August 2, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: ARMS, Fruit Chemical Use and State Cooperator Surveys—Substantive Change.

OMB Control Number: 0535–0218.

Summary of Collection: General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

The Agricultural Resource Management Surveys (ARMS), the Fruit Chemical Use Survey and several state funded surveys collect economic and environmental data on numerous crops on an annual basis. The ARMS surveys target numerous crops each year. The Fruit and Vegetable Chemical Use Surveys alternate each year. Changes need to be made to these surveys on an annual basis to address issues that arise each year. In addition, some research questions are added to some of these surveys by the Economic Research Service (ERS) who co-sponsors the ARMS program. The revised questionnaires and listings of the changes to the questionnaires can be viewed in the Reginfo system mentioned above.

The changes to these surveys will add an additional 15,799 burden hours raising the total for this information collection request to 120,828 hours.

Need and Use of the Information: These changes will increase the usefulness and relevance of both the economic and environmental data being collected.

Description of Respondents: Farms and Ranches.

Number of Respondents: 128,417.

Frequency of Responses: Reporting: Once.

Total Burden Hours: 120,828.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–14178 Filed 7–1–21; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0119]

Implementation of Revised Lacey Act Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. Enforcement of the declaration requirement began on April 1, 2009, and products requiring a declaration are being phased-in. The purpose of this notice is to inform the public of a change in the date of implementation for Phase VI of the enforcement schedule.

DATES: Implementation of Phase VI of the Lacey Act enforcement schedule will begin October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Wayson, National Policy Manager, Lacey Act Program, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851–2036.

SUPPLEMENTARY INFORMATION:

Background

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats trafficking in illegally taken wildlife, fish, or plants. The Food, Conservation, and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices). The Lacey Act now makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in

interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of any law of the United States or an Indian Tribe, or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant.

In addition, Section 3 of the Lacey Act, as amended, makes it unlawful, beginning December 15, 2008, to import certain plants, including plant products, without an import declaration. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest. The plant import declaration requirement does not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported. Currently, enforcement of the declaration requirement is being phased in, as described in three notices we published in the **Federal Register**,¹ the first on February 3, 2009 (74 FR 5911–5913, Docket No. APHIS–2008–0119), the second on September 2, 2009 (74 FR 45415–45418, Docket No. APHIS–2008–0119), and the third on February 6, 2015 (80 FR 6681–6683, Docket No. APHIS–2008–0119).

In our February 2009 notice, we committed to providing affected individuals and industry with at least 6 months' notice for any products that would be added to the phase-in schedule. The phased-in enforcement schedule began April 1, 2009. The most recent phase (V) began on August 6, 2015. The enforcement schedule is available on the Animal and Plant Health Inspection Service (APHIS) website at https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA_Lacey_Act. We continue to consider the applicability of the declaration requirement to products not included in the current phase-in schedule.

On March 31, 2020, we published a notice in the **Federal Register** (85 FR 17849–17850, Docket No. APHIS–2008–0119) announcing Phase VI of the

enforcement schedule, which would have begun on October 1, 2020. We solicited comments concerning our proposal until July 1, 2020. We received 31 comments by that date. They were from industry associations, conservation organizations, importers, exporters, and representatives of foreign governments.

Several commenters were concerned that adding products under Harmonized Tariff Code 4415, which includes cases, boxes, crates, drums, containers, pallets, and box-pallets, and other solid wood packaging materials, would result in unnecessary burden and disruptions to international trade if the declaration requirement was enforced for these packaging materials.

The Act specifies that the plant import declaration requirement does not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported (§ 3372(f)(3)). APHIS will only require a declaration for new products in Harmonized Tariff Code 4415 that are formally entering the United States. The declaration requirement will not apply to used, recycled, or reclaimed pallets or to pallets, empty or under load, that are used to carry goods imported into the United States.

Some commenters expressed concern about the addition of essential oils in Harmonized Tariff Code 3301.29.5150—essential oils of “other.” These commenters stated that it was unclear what was included under “other” and that there could be attempts to inaccurately classify products under different codes to avoid the plant import declaration requirement.

We agree with the commenters that this code may not provide sufficient specificity and could result in both deliberate and unintentional inaccuracies. Accordingly, we have decided to remove Harmonized Tariff Code 3301.29.5150—essential oils of “other” from this implementation phase.

In the initial notice, we included both Harmonized Tariff Code 9209.92 and the 10-digit Harmonized Tariff Code 9209.92.8000. Listing the 10-digit code is unnecessary, since it already falls under 9209.92. We also mistakenly categorized Harmonized Tariff Code 9209.99.8000 as “musical instruments of heading 9202, other.” It should read simply “Other.” We have corrected these errors. An updated list of Harmonized Tariff Schedule codes is set out below. Furthermore, we have decided to delay implementation of the enforcement phase based on the comments we received. Implementation

of Phase VI will now begin on October 1, 2021.

Ch. 33 Headings (Essential Oils)

- 3301295109—essential oils of cedarwood
- 3301295121—essential oils of linaloe or bois de rose
- 3301295139—essential oils of sandalwood

Ch. 42 Headings (Trunks, Cases, Suitcases)

- 4202292000—trunks, cases, and suitcases of wood
- 4202992000—other, of wood, not lined
- 4202993000—other, of wood, lined

Ch. 44 Headings (Wood and Articles of Wood)

- 441012—oriented strand board (OSB)
- 4415—cases, boxes, crates, drums, containers, pallets, box-pallets, etc.

Ch. 92 Headings (Musical Instruments)

- 9205902000—wind musical instruments: bagpipes
- 9205904020—clarinets
- 9205904080—other (woodwind instruments)
- 9205904060—flutes and piccolos
- 9206002000—drums
- 9207900040—musical instruments (fretted string instruments)
- 9209.92—parts and accessories for musical instruments of heading 9202
- 9209992000—parts and accessories for bagpipes
- 9209994040—parts and accessories for other woodwind instruments
- 9209998000—other

Ch. 96 Headings (Miscellaneous Manufactured Articles)

- 9620005500—monopods, bipods, tripods and similar articles of wood

Additional Information

APHIS will continue to provide the latest information regarding the Lacey Act on our website, https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA_Lacey_Act. The website currently contains the Lacey Act, as amended; a slideshow covering background and context, requirements, commodities and products covered, information on prohibitions, and the current status of implementation of the declaration requirement of the Lacey Act; frequently asked questions; the phase-in implementation plan; a link to the Lacey Act Web Governance System (LAWGS); and the paper declaration form. The website will be updated as new materials become available. We encourage persons interested in

¹ To view the notices and the comments we received, go to <http://www.regulations.gov>, and enter APHIS–2008–0119 in the Search field.

receiving timely updates on APHIS' Lacey Act efforts to register for our stakeholder registry at <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new/> and select "Lacey Act Declaration" as a topic of interest.

Paperwork Reduction Act

This notice contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection activities included in this notice are approved by the Office of Management and Budget under control number 0579-0349.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851-2483.

Done in Washington, DC, this 28th day of June 2021.

Mark Davidson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021-14155 Filed 7-1-21; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request To Conduct a New Information Collection

AGENCY: National Agricultural Statistics Service, Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection to gather data related to the motivations of targeted operators to adopt conservation practices.

DATES: Comments on this notice must be received by August 31, 2021 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535-NEW, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.

- *E-fax:* (855) 838-6382.

- *Mail:* Mail any paper, disk, or CD-ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

FOR FURTHER INFORMATION CONTACT:

Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690-2388 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: National Conservation Practice Adoption Motivations Survey.

OMB Control Number: 0535-NEW.

Type of Request: Intent to seek approval to create a new information collection for a period of three years.

Abstract: The purpose of the survey is to target operations who own or operate cropland and/or concentrated livestock feeding operations. NASS will collect information about these types of operations to understand conservation practices within the United States in terms of the following: (1) How often are specific conservation practices adopted without assistance, with technical assistance and/or financial assistance. (2) How does adoption evolve over time? What proportion of producers who "try" a given practice continue or expand use over time? How many discontinue the practice? (3) What motivates farmers to initially try a practice and then continue, expand, or discontinue use? The questions reflect a range of factors including conservation need(s), experience(s) of neighbors, financial benefits or costs, producer's time and effort, availability of technical and financial assistance, regulation or conservation compliance, and concern about the environmental quality. The United States Department of Agriculture's Natural Resources Conservation Service has entered into an interagency agreement with NASS to conduct this survey.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data

collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-113, 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, "Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)," **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 60 minutes per response. NASS plans to mail out publicity materials prior to the questionnaires to inform respondents of the importance of this survey.

Respondents will be able to reply to the mailed questionnaires by either an online link or by U.S. Postal Service. After two questionnaire mailings, NASS will mail a reminder, pressure sealed postcard to non-respondents with a link to the internet data collection tools, followed up with phone and personal enumeration of non-respondents to increase response rates and to minimize data collection costs.

Respondents: The 2022 survey will target operations who own or operate cropland as well as concentrated livestock feeding operations. Operators who have grazing land or forestry land will be done at a later date.

Estimated Number of Respondents: 35,200.

Estimated Total Annual Burden on Respondents: 35,614 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be

summarized in the request for OMB approval.

Signed at Washington, DC, June 28, 2021.

Kevin L. Barnes,
Associate Administrator.

[FR Doc. 2021-14169 Filed 7-1-21; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

[Docket No. RUS-21-Agency-0011]

OneRD Annual Notice of Guarantee Fee Rates, Periodic Retention Fee Rates, Loan Guarantee Percentage and Fee for Issuance of the Loan Note Guarantee Prior to Construction Completion for Fiscal Year 2022

AGENCY: Rural Business-Cooperative Service, Rural Housing Service and Rural Utilities Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBCS), Rural Housing Service (RHS), and the Rural Utilities Service (RUS), agencies of the Rural Development mission area within the U.S. Department of Agriculture (USDA), hereinafter collectively referred to as the Agency, offer loan guarantees through four programs: Community Facilities (CF) administered by RHS; Water and Waste Disposal (WWD) administered by the RUS; and Business and Industry (B&I) and Rural Energy for America Program (REAP) administered by the RBCS. This notice provides applicants with the Guarantee Fee rates, Guarantee percent for Guaranteed Loans, the Periodic Retention Fee, and Fee for Issuance of the Loan Note Guarantee Prior to Construction Completion for Fiscal Year (FY) 2022, to be used when applying for guaranteed loans under the aforementioned guaranteed loan types. This notice is being published prior to the passage of a FY 2022 appropriation. Should the fees need to be adjusted after passage of the FY 2022 appropriation bill, the agency will publish a subsequent notice in the **Federal Register**.

DATES: The fees in this notice are applicable October 1, 2021.

FOR FURTHER INFORMATION CONTACT: For information specific to this notice contact Michele Brooks, Director, Regulations Management, Rural Development Innovation Center—Regulations Management, USDA, 1400 Independence Avenue SW, Washington, DC 20250-1522. Telephone: (202) 690-1078. Email: michele.brooks@usda.gov. For information regarding implementation, contact your respective Rural Development State Office listed here: <http://www.rd.usda.gov/browse-state>.

SUPPLEMENTARY INFORMATION: As set forth in 7 CFR part 5001, the Agency is authorized to charge a guarantee fee, a periodic guarantee retention fee, a fee for the issuance of the loan note guarantee prior to construction completion, and establish a loan guarantee percentage for guaranteed loans made under this rule. Pursuant to this and other applicable authority, and subject to the current appropriated authority, the Agency is establishing the following for FY 2022:

Loan type	Guarantee fee (%)	Periodic guarantee retention fee (%)	Loan guarantee percentage (%)	Fee for issuance of loan note guarantee prior to construction completion (%)
B&I	3.0	0.5	80	0.5
B&I Reduced Fee	1.0	0.5	80	0.5
B&I project in a high cost, isolated rural area of the State of Alaska that is not connected to a road system	1.0	0.5	90	0.5
CF	1.25	0.5	80	0.5
REAP	1.0	0.25	80	0.5
WWD	1.0	N/A	80	0.5

The initial guarantee fee is paid at the time the loan note guarantee is issued. The periodic guarantee retention fee is paid by the lender to the Agency once a year. Payment of the periodic guarantee retention fee is required in order to maintain the enforceability of the guarantee. The fee for issuance of the loan note guarantee prior to construction completion DOES NOT apply to all construction loans. This additional fee only applies to loans requesting to receive a loan note guarantee prior to project completion. For loans where the Loan Note Guarantee is issued between October 1 and December 31, the first periodic retention fee payment is due January 31 of the second year following the date the Loan Note Guarantee was issued.

Unless precluded by a subsequent FY 2022 appropriation, these rates will apply to all guaranteed loans obligated in FY 2022. The amount of the periodic retention fee on each guaranteed loan will be determined by multiplying the periodic retention fee rate by the outstanding principal loan balance as of December 31, multiplied by the percentage of guarantee.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA Programs are prohibited from discriminating based on race, color, national origin, religion, sex,

gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may

be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) *Mail*: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; or

(2) *email*: OAC@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Justin Maxon,

Deputy Undersecretary, Rural Development.

[FR Doc. 2021-14193 Filed 7-1-21; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2113]

Approval of Expansion and Modification of Subzone 149C; Phillips 66 Company; Brazoria County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, Port Freeport, grantee of Foreign-Trade Zone 149, has made application to the Board to expand and modify Subzone 149C on behalf of Phillips 66 Company to include an additional 490 acres at Site 1 and to remove 220 acres from Site 1 (FTZ Docket B-25-2021, docketed March 22, 2021);

Whereas, notice inviting public comment has been given in the **Federal Register** (86 FR 16183-16184, March 26, 2021) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner’s memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

Now, therefore, the Board hereby approves the expansion and modification of Subzone 149C on behalf of Phillips 66 Company, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including Section 400.13.

Dated: June 28, 2021.

Christian B. Marsh,

Acting Assistant Secretary for Enforcement and Compliance Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2021-14196 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-15-2021]

Termination of Review of Production Notification, Foreign-Trade Zone (FTZ) 31—Granite City, Illinois, M.M.O. Companies, Inc. (Disassembly of Firearms and Ammunition), Mascoutah and Edwardsville, Illinois

On March 1, 2021, the America’s Central Port District, grantee of FTZ 31, submitted a notification of proposed production activity to the FTZ Board on behalf of M.M.O. Companies, Inc., within Subzone 31E, in Mascoutah and Edwardsville, Illinois. The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (86 FR 13281-13282, March 8, 2021). On June 29, 2021, the applicant was notified that review of the notification is being terminated, effective July 9, 2021.

Dated: June 29, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021-14197 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-821-827]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Russian Federation: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Russian Federation (Russia).

DATES: Applicable July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2670.

SUPPLEMENTARY INFORMATION:

Background

The petitioner in this investigation is Vallourec Star, L.P. In addition to the Government of Russia (GOR), the mandatory respondents in this investigation are PAO TMK, Volzhsky Pipe Plant Joint Stock Company (Volzhsky), and certain cross-owned affiliates (collectively, TMK).¹ On December 11, 2020, Commerce published in the **Federal Register** the *Preliminary Determination* and aligned this final determination with the final antidumping duty (AD) determination, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4)(i).²

¹ See Memorandum, “Countervailing Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian Federation: Respondent Selection,” dated August 13, 2020. As discussed in the Preliminary Decision Memorandum (PDM), the cross-owned companies that comprise TMK are: PAO TMK, Volzhsky Pipe Plant Joint Stock Company (Volzhsky), Taganrog Metallurgical Plant Joint Stock Company (Tagmet), Sinarsky Pipe Plant Joint Stock Company (Sinarsky), Seversky Pipe Plant Joint Stock Company (Seversky), TMK CHERMET LLC (TMK CHERMET), TMK CHERMET LLC Volzhsky (TMK CHERMET Volzhsky), TMK CHERMET LLC Ekaterinburg (TMK CHERMET Ekaterinburg), TMK CHERMET LLC Rostov (TMK CHERMET Rostov), TMK CHERMET LLC Saratov (TMK CHERMET Saratov), and TMK CHERMET LLC Service (TMK CHERMET Service).

² See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian*

A summary of the 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, which is hereby adopted by this notice.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 <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Period of Investigation

The period of investigation is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The product covered by this investigation is seamless pipe from Russia. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

We did not receive comments from interested parties on the Preliminary Scope Decision Memorandum.⁴ As discussed in Preliminary Scope Decision Memorandum, Commerce modified the scope language as it appeared in the *Initiation Notice* to clarify certain exclusions. See the scope in Appendix I.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.⁵

Federation: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination, 85 FR 80007 (December 11, 2020) (*Preliminary Determination*), and accompanying PDM.

³ See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian Federation,” dated concurrently with this determination (Issues and Decision Memorandum).

⁴ See Commerce’s Memorandum, “Preliminary Scope Memorandum,” dated December 11, 2020 (Preliminary Scope Memorandum).

⁵ See Commerce’s Letter, “Countervailing Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice at Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁶ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce is relying, in part, on facts otherwise available, including adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of AFA, see the *Preliminary Determination* and the section “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.⁷

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, as well as additional information collected in questionnaires issued subsequent to the *Preliminary Determination*, we made certain changes to the countervailable subsidy rate calculation for TMK. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates

Federation: In Lieu of Verification Questionnaire,” dated March 29, 2021.

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁷ See *Preliminary Determination* PDM at “Use of Facts Available, with Adverse Inferences;” see also Issues and Decision Memorandum at “Use of Facts Available, and Adverse Inferences.”

based entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated countervailable subsidy rate for TMK, the only individually examined exporter/producer, which is not zero, *de minimis*, or based entirely on facts otherwise available.⁸ Accordingly, we have assigned the estimated countervailable subsidy rate calculated for TMK to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following countervailable subsidy rates exist:

Company	Subsidy rate (percent)
PAO TMK/Volzhsy Pipe Plant Joint Stock Company ⁹	48.38
All Others	48.38

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise from Russia that were entered, or withdrawn from warehouse, for consumption, effective December 11, 2020, which is the date of publication of the *Preliminary Determination* in the **Federal Register**.

In accordance with section 703(d) of the Act, effective April 10, 2021, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries

⁸ See *Preliminary Determination*, 85 FR at 80025.

⁹ As discussed in the PDM Commerce has found the following companies to be cross-owned with PAO TMK and Volzhsky Pipe Plant Joint Stock Company: Sinarsky Pipe Plant; Taganrog Metallurgical Plant Joint Stock Company; Sinarsky Pipe Plant Joint Stock Company; Seversky Pipe Plant Joint Stock Company; TMK CHERMET LLC; TMK CHERMET LLC Volzhsky; TMK CHERMET LLC Ekaterinburg; TMK CHERMET LLC Rostov; TMK CHERMET LLC Saratov; and TMK CHERMET LLC Service.

between December 11, 2020, and April 9, 2021.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, and continue to require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of seamless pipe from Russia. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured or threatened with material injury, by reason of imports of seamless pipe from Russia no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

This determination is issued and published pursuant to sections 705(d)

and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal 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 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A-822 standard; (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 investigation 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 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A-335 regardless of their conformity to the dimensional requirements of ASTM A-53, ASTM A-106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550-75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 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. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Final Decision Memorandum

- I. Summary
- II. Background
- III. Use of Facts Available, and Adverse Inferences
- IV. Subsidies Valuation Information
- V. Benchmarks and Interest Rates
- VI. Analysis of Programs
- VII. Analysis of Comments
 - Comment 1: Whether Commerce Used the Appropriate Sales Denominator To Calculate TMK’s Subsidy Rates
 - Comment 2: Whether Commerce Can Investigate Subsidies Not Included in the Petition
 - Comment 3a: Whether PJSC Gazprom (Gazprom) Is a Government Authority That Provides a Financial Contribution
 - Comment 3b: Whether Oil Company Rosneft, Public Joint Stock Company (Rosneft) Is a Government Authority That Provides a Financial Contribution
 - Comment 3c: Whether the Provision of Natural Gas Is Specific
 - Comment 3d: Whether Commerce Should Adjust the Natural Gas Benchmark to “Tier-One”
 - Comment 3e: Whether Commerce Should Adjust the Natural Gas Benchmark to “Tier-Two”
 - Comment 3f: Whether Commerce Should Change the Data Relied Upon in Its Natural Gas “Tier-Three” Analysis
 - Comment 4a: Whether Certain SCBs Are Government Authorities
 - Comment 4b: Whether Lending From Certain SCBs Is Specific
 - Comment 4c: Whether Commerce’s Application of Adverse Facts Available (AFA) With Respect to Its Specificity Determination Is Supported by the Record
 - Comment 4d: Whether Commerce Should Adjust Its Lending Rate Benchmark
 - Comment 5a: Whether the Sverdlovsk Region’s Development Program Provides a Financial Contribution
 - Comment 5b: Whether the Sverdlovsk Region’s Development Program Is Specific
 - Comment 6: Whether the Regional Investment Incentives From the Rostov Government Are Specific
- VIII. Recommendation

[FR Doc. 2021-14141 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[C-469-818]

Ripe Olives From Spain: Final Results of Countervailing Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) determines that certain producers and/or exporters of ripe olives from Spain, received countervailable subsidies during the period of review (POR), November 28, 2017, through December 31, 2018.

DATES: Effective July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg or Dusten Hom, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1785, (202) 482-5075, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On December 28, 2020, Commerce published the *Preliminary Results* of this CVD administrative review in the **Federal Register**.¹ On April 5, 2021, Commerce extended the deadline for the final results of this administrative review until June 25, 2021.² We invited interested parties to comment on the Preliminary Results. On May 7, 2021, we received case briefs from Alimentary Group DCoop S.Coop. And. (DCoop), ASEMESA, Agro Sevilla Aceitunas S.Coop. And. (Agro Sevilla), and Angel Camcho Alimentacion, S.L. (Camacho), the European Investment Fund (the EIF), the Government of Spain (the GOS), and Musco Family Olive Company (Musco).³ On May 14, 2021,

we received rebuttal briefs from ASEMESA, Agro Sevilla, and Camacho, DCoop, and Musco.⁴ For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁵

Scope of the Order

The product covered by the order are ripe olives from Spain. For a complete description of the scope of this order, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of these issues are identified in the 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 CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/fjn/>.

Changes Since the Preliminary Results

Based on the comments received from interested parties, we revised the calculation of the net countervailable subsidy rates for the respondents: DCoop, Agro Sevilla, and Camacho. For a discussion of these issues, see the Issues and Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we determine that there is a subsidy (*i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient) and that the subsidy is

specific.⁶ For a full description of the methodology underlying our conclusions, see the Issues and Decision Memorandum.

In making this final determination, Commerce is relying, in part, on facts otherwise available, including adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of AFA, see the *Preliminary Results* and the section "Use of Facts Otherwise Available and Adverse Inference" in the accompanying Issues and Decision Memorandum.

Final Results of Review

We determine the following net countervailable subsidy rates for the period of November 28, 2017, through December 31, 2018:

Exporter/producer	Subsidy rate
Agro Sevilla Aceitunas S.COOP Andalusia	7.01
Angel Camacho Alimentacion S.L	5.23
Alimentary Group DCoop S.Coop. And	22.36

Disclosure

We intend to disclose to interested parties the calculations and analysis performed in the final results of this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of this publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the

¹ See *Ripe Olives from Spain: Preliminary Results of Countervailing Duty Administrative Review; 2017–2018*, 85 FR 84294 (December 28, 2020), and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum) (collectively, *Preliminary Results*).

² See Memorandum, "Ripe Olives from Spain: Extension of Deadline for Final Results of Countervailing Duty Administrative Review; 2017–2018," dated April 5, 2021.

³ See EIF's Letter, "2019 Administrative Review of the CVD Order on Ripe Olives from Spain-Case brief," dated May 7, 2021; see also ASEMESA's, Agro Sevilla's, and Camacho's Letter, "Case Brief of ASEMESA, Agro Sevilla Aceitunas S.Coop.And. ('Agro Sevilla'), and Angel Camacho Alimentacion, S.L. ('Camacho') Ripe Olives from Spain (C-469-818)," dated May 7, 2021; GOS's Letter, "Case of the Government of Spain in relation to the Post-Preliminary Determination, issued by the Department of Commerce on April 22, 2021,

regarding the first CVD administrative review of Ripe Olives from Spain," dated May 7, 2021; Musco's Letter, "Ripe Olives from Spain; 1st Administrative Review-Case Brief of Musco," dated May 7, 2021; and Dcoop's Letter, "Ripe Olives from Spain: Resubmission of Case Brief," dated May 12, 2021.

⁴ See Dcoop's Letter, "Ripe Olives from Spain: Rebuttal Brief," dated May 14, 2021; see also ASEMESA's, Agro Sevilla's, and Camacho's Letter, "Rebuttal Brief of ASEMESA, Agro Sevilla and Camacho—Ripe Olives from Spain (C-469-818)," dated May 14, 2021; and Musco's Letter, "Ripe Olives from Spain: 1st Administrative Review- Rebuttal Brief of Musco," dated May 14, 2021.

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Ripe Olives from Spain; 2017–2018," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum),

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

amounts shown for each of the respective companies listed above. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or 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 sanctionable violation.

Notification to Interested Parties

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

Dated: June 25, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Subsidies Valuation
- V. Loan Interest Rate Benchmark and Discount Rates
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Analysis of Programs
- VIII. Analysis of Comments
 - Comment 1: Whether Commerce Properly Interpreted and Applied the Standard Established by Section 771B(1) of the Act for Determining “Substantially Dependent” Demand
 - Comment 2: Whether the EU CAP Pillar I—BPS is *De Jure* Specific
 - Comment 3: Whether Commerce Used an Incorrect Sales Denominator To Calculate Agro Sevilla’s Subsidy Rate
 - Comment 4: Whether Commerce Should Exclude Re-Sales and Purchases of Molinos Not Used To Produce Subject Merchandise From Camacho’s Subsidy Rate Calculation
 - Comment 5: Whether the PROSOL Program is Specific
 - Comment 6: Whether the ICO—National Investment Program is Specific
 - Comment 7: Whether the Andalusia Energy Agency for Sustainable Energy Development for Andalusia Scheme is Specific

- Comment 8: Whether the European Investment Fund Loans Program is Specific
- Comment 9: Whether Commerce Should Allocate Olive Subsidy Benefits to Sales of Olives Only
- Comment 10: Whether Commerce Should Adjust its Calculation for Yield Loss
- Comment 11: Whether Commerce Should Revise its Calculation for the Two Coop Respondents To Eliminate Double Counting of Grower Quantities
- Comment 12: Whether Commerce Should Apply AFA to Agro Sevilla’s First-Tier Coops and Member Growers
- Comment 13: Whether Commerce Should Correct Ministerial Errors for Agro Sevilla
- Comment 14: Whether Commerce Should Correct Ministerial Errors for Camacho
- Comment 15: Whether Commerce Should Apply AFA to Camacho’s Growers
- Comment 16: Whether Commerce Should Apply AFA to Dcoop’s First-Tier Coops and Member Growers
- Comment 17: Whether Commerce Should Find That All Dcoop’s Growers Received Greening Benefits
- Comment 18: Whether Commerce Should Use Dcoop’s Calendar Year 2018 Grower Data or, in the Alternative, Should Correct Ministerial Errors

IX. Recommendation

[FR Doc. 2021–14142 Filed 7–1–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–910]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea).

DATES: Applicable July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Moses Song or Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7885 or (202) 482–1240, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioner in this investigation is Vallourec Star, LP. In addition to the Government of Korea (GOK), the mandatory respondent in this investigation is ILJIN Steel Corporation (ILJIN). On December 11, 2020, Commerce published in the **Federal Register** the *Preliminary Determination* and aligned this final determination with the final antidumping duty (AD) determination, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4)(i).¹

A summary of the 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, which is hereby adopted by this notice.² 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>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Period of Investigation

The period of investigation is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The product covered by this investigation is seamless pipe from Korea. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this and the concurrent AD investigation, Commerce received scope comments from interested parties. On January 13, 2021, Commerce issued a Preliminary Scope Decision Memorandum to address these comments, and modified the scope language as it appeared in the

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination*, 85 FR 80024 (December 11, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Preliminary Determination to exclude oil country tubular goods covered by another order and all pipes meeting certain chemical requirements from the scope of this and the concurrent AD investigation.³ We did not receive comments from interested parties on the Preliminary Scope Memorandum. As discussed in Preliminary Scope Decision Memorandum, Commerce modified the scope language as it appeared in the *Initiation Notice* to clarify certain exclusions. See the scope in the Appendix I to this notice.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.⁴

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice at Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁵ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce is relying, in part, on facts otherwise available, including adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act. For

a full discussion of our application of AFA, see the *Preliminary Determination* and the section “Use of Facts Otherwise Available and Adverse Inferences” in the accompanying Issues and Decision Memorandum.⁶

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, as well as additional information collected in questionnaires issued subsequent to the *Preliminary Determination*, we made certain changes to the countervailable subsidy rate calculation for ILJIN. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 705(c)(5)(A) of the Act provides that in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated an individual estimated countervailable subsidy rate for ILJIN, the only individually examined exporter/producer, which is not zero, *de minimis*, or based entirely on facts otherwise available.⁷ Accordingly, we have assigned the estimated countervailable subsidy rate calculated for ILJIN to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Determination

Commerce determines that the following countervailable subsidy rates exist:

Company	Subsidy rate (percent)
ILJIN Steel Corporation	1.78
All Others	1.78

Disclosure

Commerce intends to disclose to interested parties its calculations and analysis performed in this final

⁶ See Preliminary Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inferences”; see also Issues and Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inference.”

⁷ See *Preliminary Determination*, 85 FR at 80025; see also Issues and Decision Memorandum at “Calculation of the All-Others Rate.”

determination within five days of its public announcement, or if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise from Korea that were entered, or withdrawn from warehouse, for consumption, effective December 11, 2020, which is the date of publication of the *Preliminary Determination* in the **Federal Register**.

In accordance with section 703(d) of the Act, effective April 10, 2021, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries between December 11, 2020, and April 9, 2021.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, and continue to require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of the final affirmative determination that countervailable subsidies are being provided to producers and exporters of seamless pipe from Korea. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured or threatened with material injury, by reason of imports of seamless pipe from Korea no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either

³ See Memorandum, “Antidumping and Countervailing Duty Investigations of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,” dated January 13, 2021 (Preliminary Scope Decision Memorandum).

⁴ See Commerce’s Letter, “Countervailing Duty Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: In Lieu of On-Site Verification Questionnaire,” dated March 9, 2021.

⁵ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APO

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal 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 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A–822 standard; (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 investigation are (1) 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 A53, ASTM A–106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A–335 regardless of their conformity to the dimensional requirements of ASTM A–53, ASTM A–106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550–75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 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. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Final Decision Memorandum

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Subsidies Valuation
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Analysis of Programs
- VIII. Analysis of Comments
 - Comment 1: Whether the Provision of Electricity for Less Than Adequate Remuneration Is Countervailable
 - Comment 2: Whether the Korea Development Bank is an “Authority”
 - Comment 3: Whether Commerce Should Determine that the Korea Development Bank General Operating Financing Loans Are Specific on the Basis of Adverse Facts Available
 - Comment 4: Whether Tax Benefits Under Restriction of Special Taxation Act Article 10(1)(3) Are *De Facto* Specific
 - Comment 5: Whether Tax Benefits Under Restriction of Special Taxation Act Article 26 Are Regionally Specific
- IX. Recommendation

[FR Doc. 2021–14139 Filed 7–1–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–826]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Russian Federation (Russia) is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation, July 1, 2019, through June 30, 2020.

DATES: Applicable July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2021, Commerce published the *Preliminary Determination* of sales at LTFV of seamless pipe from Russia, in which we also postponed the final determination to June 25, 2021.¹ We invited interested parties to comment on the *Preliminary Determination*. The mandatory respondent in this investigation is PAO TMK and Volzhsky Pipe Plant Joint Stock Company (collectively, TMK). For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.² 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).

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian Federation: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 8891 (February 10, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Russian Federation,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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 Investigation

The product covered by this investigation is seamless pipe from Russia. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

We did not receive comments from interested parties on the Preliminary Scope Decision Memorandum.³ As discussed in the Preliminary Scope Decision Memorandum, Commerce codified the scope language as it appeared in the *Initiation Notice* to clarify certain exclusions. See the scope in Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of topics included in the Issues and Decision Memorandum is included as Appendix II to this notice.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁴

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we have made no changes to the margin calculations for TMK. For a complete discussion, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated

weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for TMK, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for TMK is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
PAO TMK and Volzhsky Pipe Plant Joint Stock Company (collectively, TMK)	209.72
All Others	209.72

Disclosure

Commerce intends to disclose to interested parties the calculations performed for this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of seamless pipe from Russia, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after February 10, 2021, the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a company identified above, but the producer is,

then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determinations as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of seamless pipe from Russia no later than 45 days after our final determination. If the ITC determines that such injury does not exist, these proceedings will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

³ See Memorandum, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,” dated January 13, 2021 (Preliminary Scope Decision Memorandum).

⁴ See TMK’s Letter, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (“SSLP Pipe”) from Russia: Refiling Public Version of TMK’s In-Lieu of Verification Questionnaire Response,” dated May 14, 2021.

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal 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 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A–822 standard; (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 investigation are (1) 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 A53, ASTM A–106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A–335 regardless of their conformity to the dimensional requirements of ASTM A–53, ASTM A–106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550–75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 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. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Changes Since the Preliminary Determination
- V. Discussion of the Issues
 - Comment 1: Rejection of Minor Corrections Regarding Product Coding
 - Comment 2: Whether Application of Adverse Facts Available (AFA) for Unreported Downstream Sales Was Warranted
 - Comment 3: AFA Selection Methodology
- VI. Recommendation

[FR Doc. 2021–14140 Filed 7–1–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Collection Title: Survey of International Air Travelers (SIAT)

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 18, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: International Trade Administration, Department of Commerce.

Title: Survey of International Air Travelers (SIAT).

OMB Control Number: 0625–0227.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 300,000.

Average Hours per Response: 15 minutes.

Burden Hours: 75,000.

Needs and Uses: The Survey of International Air Travelers (SIAT)

program, administered by the National Travel and Tourism Office (NTTO) of the International Trade Administration provides source data required to: (1) Estimate international travel and passenger fare exports, imports, and the trade balance for the United States, (2) comply with the U.S. Travel Promotion Act of 2009 (Pub. L. 111–145), collect, analyze, and report information to the Corporation for Travel Promotion (CTP), and support U.S. exports, (3) comply with the 1945, 1961, 1981, and 1996 travel and tourism related acts to collect and publish comprehensive international travel and tourism statistics and other marketing information, and (4) support the continuation of the Travel & Tourism Satellite Accounts for the United States, which provide the only spending and employment figures for the industry. The SIAT program contains the core data that is analyzed and communicated by NTTO with other government agencies, associations and businesses that share the same objective of increasing U.S. international travel exports. The SIAT assists NTTO in assessing the economic impact of international travel on state and local economies, providing visitation estimates, key market intelligence, and identifying traveler and trip characteristics. The U.S. Department of Commerce assists travel industry enterprises to increase international travel and passenger fare exports for the country as well as outbound travel on U.S. carriers. The Survey program provides the only available estimates of nonresident visitation to the states and cities within the United States, as well as U.S. resident travel abroad. The SIAT also assists NTTO in producing in-depth statistical reports, fact sheets and briefings on economic factors and policy issues affecting U.S. industries. With the SIAT statistical data not replicable by private sector trade associations or by private firms, Federal agencies, Congress and international organizations rely on these statistic-based tools, as do American businesses, state and local governments, and news organizations.

Affected Public: Individuals or households; International air travelers departing the United States, 18 years or older which includes U.S. and non-U.S. residents from all countries.

Frequency: Monthly.

Respondent’s Obligation: Voluntary.

Legal Authority: U.S. Travel Promotion Act of 2009 (Pub. L. 111–145).

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 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 0625–0227.

Sheleen Dumas,

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

[FR Doc. 2021–14157 Filed 7–1–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–819]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Ukraine: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that imports of seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from Ukraine are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation, July 1, 2019, through June 30, 2020.

DATES: Applicable July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, 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) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2021, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of seamless pipe from Ukraine.¹ Commerce invited

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 8889 (February 10, 2021) (*Preliminary Determination*),

interested parties to comment on the *Preliminary Determination*. The mandatory respondent in this investigation is Interpipe, the collapsed entity which includes Interpipe Ukraine LLC (Interpipe Ukraine), PJSC Interpipe Niznedneprovskiy Tube Rolling Plant (NTRP), and LLC Interpipe Niko Tube (Niko Tube). For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.² 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/fjn>.

Scope of the Investigation

The products covered by this investigation are seamless pipe from Ukraine. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

We did not receive comments from interested parties on the Preliminary Scope Decision Memorandum.³ As discussed in the Preliminary Scope Decision Memorandum, Commerce codified the scope language as it appeared in the *Initiation Notice* to clarify certain exclusions. See the scope in Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the sections of the Issues and Decision Memorandum are in Appendix II of this notice.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final

and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less Than Fair Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,” dated January 13, 2021 (Preliminary Scope Decision Memorandum).

determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁴

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties and our findings related to our request for information in lieu of verification, we made certain changes to our calculations of the dumping margin for the sole respondent, Interpipe. For a complete discussion of these changes, see the Issues and Decision Memorandum and Final Analysis Memorandum.⁵

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, we assigned the estimated weighted-average dumping margin calculated for Interpipe to all other producers and exporters of subject merchandise, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

⁴ See Commerce’s Letter, Questionnaire In Lieu of an On-Site Verification, dated March 10, 2021; and Interpipe’s Letter, “Antidumping Duty Investigation on Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine: Resubmitting Questionnaire in Lieu of Verification Response,” dated April 8, 2021.

⁵ See Memorandum, “Interpipe Final Determination Analysis,” dated June 25, 2021.

Exporter/producer	Estimated dumping margin (percent)
Interpipe Ukraine LLC/PJSC Interpipe Niznedneprovskiy Tube Rolling Plant/LLC Interpipe Niko Tube	23.75
All Others	23.75

Disclosure

In accordance with 19 CFR 351.224(b), within five days after the date of any public announcement of the final determination or, if there is no public announcement, within five days after the date of publication of this notice in the **Federal Register**, we intend to disclose to parties to this proceeding the calculations performed in this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of seamless pipe from Ukraine, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after February 10, 2021, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rate for the respondent listed in the table above will be equal to the respondent-specific estimated dumping margin listed for the respondent in the table; (2) if the exporter is not identified in the table above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated dumping margin listed in the table above. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the

Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) of seamless pipe no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or 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 and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal 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 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A-822 standard; (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 investigation are (1) 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 A53, ASTM A-106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A-335 regardless of their conformity to the dimensional requirements of ASTM A-53, ASTM A-106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550-75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 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. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Changes Since the Preliminary Determination
- V. Discussion of the Issues
 - Comment 1: Whether to Accept a Minor Correction
 - Comment 2: Whether to Grant a Constructed Export Price Offset
 - Comment 3: Whether to Deduct Section 232 Duties from U.S. Prices
 - Comment 4: Whether to Offset G&A Expenses By Certain Other Net Sales Revenue
 - Comment 5: Whether to Adjust Niko Tube and NTRP's Depreciation Expenses

VI. Recommendation
 [FR Doc. 2021-14137 Filed 7-1-21; 8:45 am]
 BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration
[A-580-909]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020.

DATES: Applicable July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua DeMoss, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3362.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2021, Commerce published the *Preliminary Determination* of sales at LTFV of seamless pipe from Korea, in which we also postponed the final determination to June 25, 2021.¹ On March 25, 2021, Commerce published its *Post-Preliminary Determination* with respect to the particular market situation analysis.² We invited interested parties to comment on the *Preliminary*

Determination and the *Post-Preliminary Determination*. The mandatory respondent in this investigation is ILJIN Steel Corporation (ILJIN). For a complete description of the events that followed the *Preliminary Determination*, see 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/fjn/>.

Scope of the Investigation

The product covered by this investigation is seamless pipe from Korea. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

We did not receive comments from interested parties on the Preliminary Scope Decision Memorandum.⁴ As discussed in the Preliminary Scope Decision Memorandum, Commerce modified the scope language as it appeared in the *Initiation Notice* to clarify certain exclusions. See the scope in Appendix I to this notice.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of topics included in the Issues and Decision Memorandum is included as Appendix II to this notice.

Verification

Commerce was unable to conduct on-site verification of the information

relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁵

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculations for ILJIN. We have also revised the all-others rate. For a complete discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for ILJIN, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for ILJIN is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset) (percent) ⁶
ILJIN Steel Corporation	4.48	4.44
All Others	4.48	4.44

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 8887 (February 10, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: Post-Preliminary Analysis of

Particular Market Situation Allegations,” dated March 25, 2021 (*Post-Preliminary Determination*).

³ See Memorandum, “Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the

Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,” dated January 13, 2021 (Preliminary Scope Decision Memorandum).

⁵ See Commerce’s Letter, Questionnaire In-Lieu-of-Onsite-Verification, dated April 9, 2021; see also ILJIN’s Letter, “Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: In Lieu of On-Site Verification Questionnaire Response,” dated April 19, 2021.

Disclosure

Commerce intends to disclose to interested parties the calculations performed for this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of seamless pipe from Korea, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after February 10, 2021, the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) The cash deposit rate for the respondent listed in the table above will be equal to the respondent-specific estimated dumping margin listed for the respondent in the table; (2) if the exporter is not identified in the table above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated dumping margin listed in the table above. These suspension-of-liquidation instructions will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of export subsidies determined in a companion CVD proceeding when CVD provisional measures are in effect. Accordingly, where Commerce makes an affirmative determination for export subsidies, Commerce offsets the calculated estimated weighted-average dumping margin by the appropriate rate(s). In this case, we have found export subsidies for certain respondents. However, suspension of liquidation for

provisional measures in the companion CVD case has been discontinued; therefore, we are not instructing CBP to collect cash deposits based upon the estimated weighted-average dumping margin adjusted for export subsidies at this time.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determinations as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of seamless pipe from Korea no later than 45 days after our final determination. If the ITC determines that such injury does not exist, these proceedings will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Notification Regarding Administrative Protective Orders

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

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: June 25, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal 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 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A-822 standard; (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 investigation are (1) 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 A53, ASTM A-106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A-335 regardless of their conformity to the dimensional requirements of ASTM A-53, ASTM A-106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550-75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 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,

⁶In the companion countervailing duty (CVD) investigation, Commerce calculated a 0.04 percent export subsidy rate for ILJIN Steel Corporation. See unpublished **Federal Register** notice titled "Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: Final Affirmative Countervailing Duty Determination," dated concurrently with this notice, and accompanying Issues and Decision Memorandum.

7304.59.8060, 7304.59.8065, and 7304.59.8070. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Adjustment for Countervailable Export Subsidies
- V. Changes Since the Preliminary Determination
- VI. Discussion of the Issues
 - Comment 1: Whether Commerce Should Continue to Adjust U.S. Commission Expenses
 - Comment 2: Whether Commerce Should Revise the Methodology for Warranty Expenses in the U.S. Price Calculations
 - Comment 3: Whether Commerce's Adjustment to ILJIN's Costs of Defective Merchandise is Warranted
 - Comment 4: Whether Commerce Should Continue to Adjust ILJIN's G&A Expenses
- VII. Recommendation

[FR Doc. 2021-14138 Filed 7-1-21; 8:45 am]

BILLING CODE 3510-DS-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to and deleted from the Procurement List: July 29, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785-6404, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On 5/21/2021 and 5/28/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice

is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

2640-00-052-6724—Repair Kit, Puncture Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

NSN(s)—Product Name(s):

8010-01-363-3375—Enamel, Aerosol, Type I, Flat Gray—36081, Pint, BX/12 Designated Source of Supply: The Lighthouse for the Blind, St. Louis, MO

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2021-14209 Filed 7-1-21; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the procurement list.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies

employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: July 29, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785-6404, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

8520-01-522-0833—Refill, Body and Hair Shampoo, Scented, 1000 mL

8520-01-522-0836—Refill, Body and Hair Shampoo, Scented, 800 mL

8520-01-522-0832—Refill, Body and Hair Shampoo, Scented, 2000 mL

8520-01-522-3885—Refill, Sanitizer, Hand, w/Aloe, 800 mL

8520-01-640-9622—Refill, Instant Hand Sanitizer, Foam, Skin Nourishing, Advanced Green Certified, 1200 ml

Designated Source of Supply: Travis Association for the Blind, Austin, TX

Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

Service(s)

Service Type: Janitorial/Custodial.

Mandatory for: US Army Reserve, MG Guy B. Denit USARC, Marion, VA, 4444 Lee Highway, Marion, VA.

Designated Source of Supply: Mount Rogers Community Services Board, Wytheville, VA.

Contracting Activity: DEPT OF THE ARMY, W6QK ACC-PICA.

Service Type: Janitorial/Custodial
Mandatory for: US Army Reserve, Abingdon USARC, 1309 Continental Drive, Abingdon, MD

Designated Source of Supply: The Arc Northern Chesapeake Region, Incorporated, Aberdeen, MD

Contracting Activity: DEPT OF THE ARMY, W6QK ACC-PICA

Michael R. Jurkowski,

Deputy Director, Business Operations.

[FR Doc. 2021-14208 Filed 7-1-21; 8:45 am]

BILLING CODE 6353-01-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2021–0013]

Agency Information Collection Activities: Submission for OMB Review: Comment Request**AGENCY:** Bureau of Consumer Financial Protection.**ACTION:** Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting Office of Management and Budget's (OMB's) approval of a generic Information Collection titled, "Making Ends Meet Survey," under the Generic Information Collection Plan entitled, "Generic Information Collection Plan for Surveys Using the Consumer Credit Panel."

DATES: Written comments are encouraged and must be received on or before August 2, 2021 to be assured of consideration.

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.

In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at www.reginfo.gov (this link becomes active on the day following publication of this notice). Select "Information Collection Review," under "Currently Under Review," use the dropdown menu "Select Agency" and select "Consumer Financial Protection Bureau" (recent submissions to OMB will be at the top of the list). The same documentation is also available at <http://www.regulations.gov>. Requests for additional information should be directed to Anthony May, Paperwork Reduction Act Officer, at (202) 841–0544, or email: CFPB_PRA@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov. Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Making Ends Meet Survey.

OMB Control Number: 3170–0066.

Type of Review: Request for approval of a generic information collection under an existing Generic Information Collection Plan.

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,200.

Estimated Total Annual Burden Hours: 1,400.

Abstract: Under the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Consumer Financial Protection Bureau is charged with researching, analyzing, and reporting on topics relating to the Bureau's mission, including consumer behavior, consumer awareness, and developments in markets for consumer financial products and services. To improve its understanding of how consumers engage with financial markets, the Bureau has successfully used the Consumer Credit Panel (CCP), a proprietary sample dataset from one of the national credit reporting agencies, as a frame to survey people about their experiences in consumer credit markets. The Bureau seeks to obtain approval for an additional round of the "Making Ends Meet" survey. This series of surveys solicits information on the consumer's experience related to household financial shocks, particularly shocks related to the economic effects of the COVID–19 pandemic, how households respond to those shocks, and the role of savings to help provide a financial buffer. Additional topics in this round of the survey include debt collection, healthcare, housing, and financial decision-making, attitudes, and perspectives. The survey will go to a new random sample of consumers from the CCP. All research under this collection will be related to the household balance sheet, and, thus, will be for general, formative, and informational research on consumer financial markets and consumers' use of financial products and will not directly provide the basis for specific policymaking at the Bureau.

Request for Comments: The Bureau is publishing this notice and soliciting comments directed to the Office of management and Budget on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance

the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Special Request for Comments: The proposed survey contains more questions than the Bureau intends to mail, the Bureau solicits comments on which questions provide the most value. Comments submitted in response to this notice will be submitted to OMB as part of its review of this request. All comments will become a matter of public record.

Dated: June 29, 2021.

Anthony May,

Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.

[FR Doc. 2021–14181 Filed 7–1–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0095]

Agency Information Collection Activities; Comment Request; Trends in International Mathematics and Science Study (TIMSS 2023) Field Test Data Collection and Main Study Sampling, Recruitment, and Data Collection

AGENCY: Institute of Educational Science (IES), National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision to a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before August 31, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2021–SCC–0095. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason,

ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

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: Trends in International Mathematics and Science Study (TIMSS 2023) Field Test Data Collection and Main Study Sampling, Recruitment, and Data Collection.

OMB Control Number: 1850–0695.

Type of Review: A revision of a currently approved information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 50,996.

Total Estimated Number of Annual Burden Hours: 20,336.

Abstract: The Trends in International Mathematics and Science Study (TIMSS), conducted by the National Center for Education Statistics (NCES), within the U.S. Department of Education (ED), is an international assessment of fourth and eighth grade students' achievement in mathematics and science. Since its inception in 1995, TIMSS has continued to assess students every 4 years (1995, 1999, 2003, 2007, 2011, 2015, and 2019), with the next TIMSS assessment, TIMSS 2023, being the eighth iteration of the study. In TIMSS 2023, approximately 65 countries or education systems will participate. The United States will participate in TIMSS 2023 to continue to monitor the progress of its students compared to that of other nations and to provide data on factors that may influence student achievement.

TIMSS is led by the International Association for the Evaluation of Educational Achievement (IEA), an international collective of research organizations and government agencies that create the frameworks used to develop the assessment, the survey instruments, and the study timeline. IEA decides and agrees upon a common set of standards, procedures, and timelines for collecting and reporting data, all of which must be followed by all participating countries. As a result, TIMSS is able to provide a reliable and comparable measure of student skills in participating countries. In the U.S., NCES conducts this study in collaboration with the IEA and a number of contractors to ensure proper implementation of the study and adoption of practices in adherence to the IEA's standards. Participation in TIMSS is consistent with NCES's mandate of acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations [The Educational Sciences Reform Act of 2002 (ESRA 2002, 20 U.S.C. 9543)].

A previous request to conduct sampling and recruitment activities associated with the TIMSS 2023 field test, which will be conducted in March and April 2022, was approved by OMB in May 2021 (OMB# 1850–0695 v.16). Because TIMSS is a collaborative effort among many parties, the United States must adhere to the international schedule set forth by the IEA, including the availability of final field test and main study plans as well as draft and final questionnaires. In order to meet the international data collection

schedule, to align with recruitment for other NCES studies (e.g., the National Assessment of Education Progress, NAEP), and for schools to put the TIMSS 2023 field test assessment on their Spring 2022 calendars, recruitment activities for the field test will begin in June of 2021. This package requests approval for the field test data collection materials and the main study sampling, recruiting, and data collection plans. Recruitment activities for the main study will begin in January 2022, with the data collection activities currently scheduled to begin in March 2023.

Dated: June 29, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–14187 Filed 7–1–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0096]

Agency Information Collection Activities; Comment Request; Education Stabilization Fund—Elementary and Secondary School Emergency Relief Fund (ESSER I/ESSER II/ARP ESSER Fund) Recipient Data Collection Form

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before August 31, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2021–SCC–0096. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting

comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Gloria Tanner, 202–453–5596.

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: Education Stabilization Fund—Elementary and Secondary School Emergency Relief Fund (ESSER I/ESSER II/ARP ESSER Fund) Recipient Data Collection Form.

OMB Control Number: 1810–0749.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 14,656.

Total Estimated Number of Annual Burden Hours: 585,400.

Abstract: Under the current unprecedented national health

emergency, the legislative and executive branches of government have come together to offer relief to those individuals and industries affected by the COVID–19 virus under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116–136) authorized on March 27, 2020, and expanded through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, and the American Rescue Plan (ARP) Act. The Elementary and Secondary School Emergency Relief (ESSER) Fund awards grants to state education agencies (SEAs) and for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, as well as Outlying Areas, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID–19) has had, and continues to have, on elementary and secondary schools across the Nation.

This information collection requests approval for a revision to a previously approved collection that includes annual reporting requirements to comply with the requirements of the ESSER program and obtain information on how the funds were used. In accordance with the Recipient's Funding Certification and Agreements executed by ESSER grantees, the Secretary may specify additional forms of reporting. In addition to reviewing the proposed revisions, ED requests stakeholders respond to the directed questions found in Attachment A.

Dated: June 29, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–14200 Filed 7–1–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0064]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Rural, Insular, and Native Achievement Programs Progress Update Protocol

AGENCY: Office of Elementary and Secondary Education, Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before August 2, 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 Joanne Osborne, 202–401–1265.

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: Rural, Insular, and Native Achievement Programs Progress Update Protocol.

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 50.

Abstract: This is a request for a new information collection. The Rural, Insular, and Native Achievement Programs (RINAP) administers Section 1121 of Title I, Part A of the ESEA; Title II of Public Law 108–118 (Supplemental Education Grant (SEG)), CARES Act—Outlying Areas; Title III of CRRSA—Outlying Areas, Sections 2005 and 11006(2–3) of the ARP; Title V, Part B of the ESEA (Rural Education Achievement Program), Title VI, Part B of the ESEA (Native Hawaiian Education); and Title VI, Part C of the ESEA (Alaska Native Education). Periodic progress updates, phone, virtual, or in-person conversations during a fiscal year with authorized representatives and project directors help ensure grantees are making progress toward meeting program goals and objectives. The information shared with RINAP helps inform the selection and delivery of technical assistance to grantees and aligns structures, processes, and routines so RINAP can monitor the connection between grant administration and intended outcomes.

Dated: June 29, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–14186 Filed 7–1–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Alaska LNG Project

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of intent.

SUMMARY: On April 15, 2021, the U.S. Department of Energy’s Office of Fossil Energy (DOE/FE) granted a request for rehearing of a final order issued to Alaska LNG Project LLC (Alaska LNG) for the export of liquefied natural gas (LNG) produced from Alaskan sources to non-free trade agreement countries, pursuant to the Natural Gas Act (NGA). In the Rehearing Order, DOE stated that it was granting rehearing for the purpose of conducting two Alaska-specific environmental studies (collectively, the Alaska environmental study proceeding). To this end, DOE intends to prepare a supplemental environmental impact statement (SEIS) for the Alaska environmental study proceeding (DOE/EIS–0512–S1), consistent with the National

Environmental Policy Act (NEPA). The SEIS will include analysis of potential environmental impacts associated with natural gas production on the North Slope of Alaska and a life cycle analysis (LCA) calculating the greenhouse gas (GHG) emissions for LNG exported from the proposed Alaska LNG Project.

ADDRESSES: Documents related to the SEIS process will be posted at: <https://energy.gov/nepa/doeeis-0512-s1-supplemental-environmental-impact-statement-alaska-lng-project>.

FOR FURTHER INFORMATION CONTACT:

Questions concerning the SEIS or requests to be placed on the SEIS distribution list should be sent to: Brian Lavoie, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–2459; brian.lavoie@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 2020, DOE issued DOE/FE Order No. 3643–A (the Alaska LNG Order)¹ to Alaska LNG Project LLC (Alaska LNG) under section 3(a) of the NGA.² DOE/FE authorized Alaska LNG to export LNG produced from Alaskan sources to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Alaska LNG is authorized to export LNG in a volume equivalent to 929 billion cubic feet per year (Bcf/yr) of natural gas (2.55 Bcf per day), for a term of 30 years, with export operations required to commence within 12 years of the date that the Alaska LNG Order was issued. Exports will occur by vessel from a liquefaction facility to be constructed in the Nikiski area of the Kenai Peninsula in south central Alaska (Liquefaction Facility), which will be part of the proposed Alaska LNG Project.³

¹ *Alaska LNG Project LLC*, DOE/FE Order No. 3643–A, FE Docket 14–96–LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Aug. 20, 2020), available at: <https://www.energy.gov/sites/default/files/2020/08/f77/ord3643a.pdf> [hereinafter Alaska LNG Order].

² 15 U.S.C. 717b(a). The authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA (15 U.S.C. 717b) has been delegated to the Assistant Secretary for FE in Redelegation Order No. S4–DEL–FE1–2021, issued on March 25, 2021.

³ See *Alaska LNG Project LLC*, DOE/FE Order No. 3643–B, FE Docket 14–96–LNG, Order on Rehearing (Apr. 15, 2021), available at: <https://www.energy.gov/sites/default/files/2021-04/ord3643b.pdf> [hereinafter Rehearing Order].

Alaska Gasline Development Corporation (AGDC), an independent, public corporation of the State of Alaska, applied to the Federal Energy Regulatory Commission (FERC) for authorization to site, construct, and operate the Alaska LNG Project. As approved by FERC on May 21, 2020,⁴ the Alaska LNG Project includes the following three elements:

- (i) Producing natural gas from stranded resources on the North Slope of Alaska at a proposed natural gas treatment plant to be located on the North Slope;
- (ii) Transporting the natural gas on a proposed 800-mile long pipeline; and
- (iii) Liquefying the natural gas for export from the proposed Liquefaction Facility, which has a planned liquefaction capacity of 20 million metric tons per year of LNG (equivalent to approximately 929 Bcf/yr of natural gas).⁵

In sum, AGDC holds the FERC authorization for the Alaska LNG Project, and Alaska LNG holds the DOE authorization to export LNG from the Alaska LNG Project. Both the DOE and FERC authorizations have been challenged in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit).⁶ Those lawsuits are ongoing and are currently subject to various pending procedural motions.

To fulfill its obligations under NEPA,⁷ DOE/FE participated as a cooperating agency in FERC’s review of the Alaska LNG Project.⁸ FERC issued the final environmental impact statement (EIS) for the Alaska LNG Project on March 6, 2020,⁹ and DOE/FE adopted the final EIS on March 16, 2020 (DOE/EIS–0512).¹⁰ Subsequently, DOE/FE issued the Alaska LNG Order, conditioning it on Alaska LNG’s compliance with the 165 environmental conditions adopted in the FERC Order (*see supra* note 4), among other requirements.¹¹

⁴ *Alaska Gasline Dev. Corp.*, Order Granting Authorization Under Section 3 of the Natural Gas Act, 171 FERC ¶ 61,134, ¶¶ 1–2 (May 21, 2020) [hereinafter FERC Order].

⁵ Rehearing Order at 3.

⁶ See *Sierra Club v. U.S. Dep’t of Energy*, Petition for Review, Case No. 20–1503 (D.C. Cir. Dec. 16, 2020); *Center for Biological Diversity, et al., v. Federal Energy Regulatory Comm’n*, Petition for Review, Case No. 20–1379 (D.C. Cir. Sept. 21, 2020); *see also* Rehearing Order at 5–6.

⁷ 42 U.S.C. 4321 *et seq.*

⁸ See Alaska LNG Order at 23, 32.

⁹ Federal Energy Regulatory Comm’n, *Alaska LNG Project Final Environmental Impact Statement*, Docket No. CP17–178–000 (Mar. 6, 2020), available at: <https://www.ferc.gov/industries-data/natural-gas/final-environmental-impact-statement-0> [hereinafter final EIS].

¹⁰ Letter from Amy Sweeney, DOE/FE, to Julie Roemele, U.S. Envtl. Prot. Agency (Mar. 16, 2020) (adoption of final EIS), available at: <https://www.energy.gov/nepa/downloads/doeeis-0512-notice-adoption>.

¹¹ See Alaska LNG Order at 42 (Ordering Para. H).

Sierra Club filed a Request for Rehearing of the Alaska LNG Order, and AGDC filed a Motion for Leave to Answer and Answer to Sierra Club's Request for Rehearing.¹² On April 15, 2021, DOE/FE issued the Rehearing Order in which DOE/FE: (i) Granted AGDC's Motion for Leave to Answer; (ii) granted Sierra Club's Rehearing Request for the purpose of conducting the Alaska environmental study proceeding; and (ii) denied Sierra Club's request for DOE/FE to withdraw the Alaska LNG Order, without prejudice to Sierra Club's ability to request relief in the future, should circumstances change.¹³

DOE/FE explained that, since the issuance of the Alaska LNG Order and while DOE/FE's action on Sierra Club's Rehearing Request was pending, the President had issued two Executive Orders (E.O.) relevant to the Alaska LNG proceeding: E.O. 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*,¹⁴ and E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*.¹⁵ Consistent with these Executive Orders and to address Sierra Club's arguments on rehearing, DOE stated that it was appropriate to further evaluate the environmental impacts of exporting LNG from the proposed Alaska LNG Project to non-FTA countries. Therefore, DOE/FE announced that it was commissioning the Alaska environmental study proceeding.¹⁶

Supplemental EIS (SEIS)

DOE/FE intends to prepare a SEIS for the Alaska environmental study proceeding. The SEIS will include an

¹² See Rehearing Order at 5–6 (providing additional background on DOE's rehearing proceeding). Sierra Club's and AGDC's arguments on rehearing are summarized in the Rehearing Order at 6–10.

¹³ See *id.* at 2.

¹⁴ Exec. Order 13990 of Jan. 20, 2021, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, 86 FR 7037 (Jan. 25, 2021), available at: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>. E.O. 13990 directs agencies to “immediately review” all regulations, orders, and other actions issued after January 20, 2017, that may increase GHG emissions or have other impacts on climate change.

¹⁵ Exec. Order No. 14008 of Jan. 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, 86 FR 7619 (Feb. 1, 2021), available at: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>. E.O. 14008 sets forth additional policies to address climate change—specifically to “organize and deploy the full capacity of [Federal] agencies to combat the climate crisis”—and requires the “Federal Government [to] drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector” of the U.S. economy.

¹⁶ See Rehearing Order at 12–13.

upstream analysis of potential environmental impacts associated with natural gas production on the North Slope of Alaska. This analysis will examine potential upstream impacts associated with incremental natural gas production on the North Slope of Alaska due to Alaska LNG's exports of LNG.

In addition, the SEIS will include a LCA calculating the GHG emissions for LNG exported from the proposed Alaska LNG Project, taking into account unique issues relating to production, pipeline transportation, and liquefaction in Alaska.¹⁷ Specifically, the LCA will examine the life cycle GHG emissions for LNG exported from Alaska by vessel to import markets in Asia (the markets targeted for exports from Alaska) and potentially in other regions.

DOE/FE has commissioned DOE's National Energy Technology Laboratory (NETL) to conduct both studies.

Potential Areas of Environmental Analysis

For the upstream production study, DOE/FE has tentatively identified the following resource areas for analysis (although the following list is not intended to be comprehensive or to predetermine the potential impacts to be analyzed): Land use and visual resources; geology and soils; water resources; air quality and noise; ecological resources; cultural and paleontological resources; infrastructure; waste management; occupational and public health and safety; socioeconomic; transportation; and environmental justice. For the LCA, DOE/FE will examine the global nature of GHG emissions associated with exports of LNG from Alaska from a life cycle perspective, as stated previously.

NEPA Process and Public Participation in the SEIS

DOE/FE will prepare the SEIS in accordance with the Council on Environmental Quality (CEQ) regulations at 40 CFR parts 1500–1508 and DOE NEPA implementing procedures at 10 CFR part 1021. In accordance with 10 CFR 1021.311(f), a public scoping process is not required for a DOE-issued SEIS. DOE/FE will issue a notice in the **Federal Register**

¹⁷ DOE/FE previously has explained that a LCA is a method of accounting for cradle-to-grave GHG emissions over a single common denominator. DOE considers GHG emissions from all processes in the LNG supply chains—from the “cradle” when natural gas is extracted from the ground, to the “grave” when electricity is used by the consumer. See U.S. Dep't of Energy, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments*, 85 FR 72, 76 (Jan. 2, 2020); see also Rehearing Order at 14 n.90.

detailing the release of the draft SEIS, dates of one or more internet-based public hearings, and instructions for submitting public comments.

Signing Authority

This document of the Department of Energy was signed on June 28, 2021, by Jennifer Wilcox, Ph.D., Acting Assistant Secretary for Fossil Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 29, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–14188 Filed 7–1–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21–83–000]

PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on June 10, 2021, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, PJM Interconnection, L.L.C. (PJM), made a filing identifying an unjust and unreasonable aspect of the formula for determining the Regulation market performance-clearing price credit, as stated in PJM Open Access Transmission Tariff Attachment K-Appendix, section 3.2.2(g) and the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., Schedule 1, section 3.2.2(g). PJM submitted this filing to establish a refund effective date for the replacement calculation of the formula, which is currently under development in the PJM stakeholder process, as more fully explained in the filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of

the Commission's Rules of Practice and Procedure, (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov, or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on July 1, 2021.

Dated: June 24, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021-14134 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21-51-000.

Applicants: Columbia Gas of Ohio, Inc.

Description: Tariff filing per 284.123(b),(e)/: COH SOC Rates effective May 28 2021 to be effective 5/28/2021.

Filed Date: 6/25/2021.

Accession Number: 202106255074.

Comments/Protests Due: 5 p.m. ET 7/16/2021.

Docket Number: PR21-46-001.

Applicants: DCP Guadalupe Pipeline, LLC.

Description: Tariff filing per 284.123(b), (e) + (g): Guadalupe SOC 7.1.0 to be effective 5/1/2021.

Filed Date: 6/25/2021.

Accession Number: 202106255043.

Comments Due: 5 p.m. ET 7/16/2021.
284.123(g) Protests Due: 5 p.m. ET 7/16/2021.

Docket Numbers: RP21-909-000.

Applicants: Bobcat Gas Storage.

Description: § 4(d) Rate Filing: Updates to Tariff Contact Person to be effective 7/24/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5025.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: RP21-910-000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing- Presidion WAB LLC to be effective 7/1/2021.

Filed Date: 6/25/21.

Accession Number: 20210625-5038.

Comments Due: 5 p.m. ET 7/7/21.

Docket Numbers: RP21-911-000.

Applicants: MMGJ Arkansas Upstream, LLC, Riverbend Oil and Gas VIII, LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of MMGJ Arkansas Upstream, LLC, et al. under RP21-911.

Filed Date: 6/25/21.

Accession Number: 20210625-5151.

Comments Due: 5 p.m. ET 7/2/21.

Docket Numbers: RP21-912-000.

Applicants: Paiute Pipeline Company.
Description: § 4(d) Rate Filing: Cover Page Address and Fax Change to be effective 6/28/2021.

Filed Date: 6/25/21.

Accession Number: 20210625-5187.

Comments Due: 5 p.m. ET 7/7/21.

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 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021-14242 Filed 7-1-21; 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: RP21-906-000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Removal of Receipt and Delivery Point Listings to be effective 7/23/2021.

Filed Date: 6/23/21.

Accession Number: 20210623-5055.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: RP21-907-000.

Applicants: Washington 10 Storage Corporation.

Description: § 4(d) Rate Filing: Baseline Tariff Compliance Filing Pursuant to Docket No. CP20-470-000 to be effective 8/1/2021.

Filed Date: 6/23/21.

Accession Number: 20210623-5057.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: RP21-908-000.

Applicants: Washington 10 Storage Corporation.

Description: § 4(d) Rate Filing: Tariff Revisions to be effective 8/1/2021.

Filed Date: 6/23/21.

Accession Number: 20210623-5080.

Comments Due: 5 p.m. ET 7/6/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

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 24, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-14132 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21-2215-000]

Peoples Natural Gas; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Peoples Natural Gas's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 19, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the

FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Dated: June 28, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-14243 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-1585-019; ER10-1594-019; ER10-1617-019; ER10-1623-007; ER10-1628-019; ER10-1632-021; ER12-60-021; ER16-1148-010; ER16-733-010; ER20-2602-002.

Applicants: Alabama Electric Marketing, LLC, California Electric Marketing, LLC, LQA, LLC, New Mexico Electric Marketing, LLC, Nobles 2 Power

Partners, LLC, Tenaska Energía de Mexico, S. de R.L. de, C.V., Tenaska Frontier Partners, Ltd., Tenaska Power Management, LLC, Tenaska Power Services Co., Texas Electric Marketing, LLC.

Description: Triennial Market Power Analysis for Central Region of Alabama Electric Marketing, LLC, et al.

Filed Date: 6/24/21.

Accession Number: 20210624-5192.

Comments Due: 5 p.m. ET 8/23/21.

Docket Numbers: ER10-1901-012.

Applicants: Upper Peninsula Power Company.

Description: Triennial Market Power Analysis for Central Region of Upper Peninsula Power Company.

Filed Date: 6/25/21.

Accession Number: 20210625-5189.

Comments Due: 5 p.m. ET 8/24/21.

Docket Numbers: ER10-2794-033; ER12-1825-031; ER14-2672-018.

Applicants: EDF Trading North America, LLC, EDF Energy Services, LLC, EDF Industrial Power Services (CA), LLC.

Description: Triennial Market Power Analysis for Central Region of EDF Trading North America, LLC, et al.

Filed Date: 6/24/21.

Accession Number: 20210624-5191.

Comments Due: 5 p.m. ET 8/23/21.

Docket Numbers: ER21-1576-001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Deficiency Response in ER21-1576—Tri-State Generation Formula Rate to be effective 6/1/2021.

Filed Date: 6/28/21.

Accession Number: 20210628-5032.

Comments Due: 5 p.m. ET 7/19/21.

Docket Numbers: ER21-2217-000.

Applicants: Lincoln Land Wind, LLC.

Description: Baseline eTariff Filing: Application For Market Based Rate Authority to be effective 8/31/2021.

Filed Date: 6/28/21.

Accession Number: 20210628-5000.

Comments Due: 5 p.m. ET 7/19/21.

Docket Numbers: ER21-2218-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6094; Queue No. AD2-158 to be effective 5/28/2021.

Filed Date: 6/28/21.

Accession Number: 20210628-5004.

Comments Due: 5 p.m. ET 7/19/21.

Docket Numbers: ER21-2219-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Modify Uninstructed Resource Deviation Exemptions to be effective 10/1/2021.

Filed Date: 6/28/21.
Accession Number: 20210628–5005.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2220–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE & NEPOOL; Rev to Remove App B “Imposition of Sanctions by the ISO” to be effective 8/27/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5033.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2221–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2900R16 KMEA NITSA NOA to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5039.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2222–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1276R24 Evergy Metro NITSA NOA to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5040.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2223–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC–NCEMC NITSA SA No. 210 to be effective 6/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5041.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2224–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 305 to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5043.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2225–000.
Applicants: Irish Creek Wind, LLC.
Description: Baseline eTariff Filing: Irish Creek Wind, LLC Application for Market-Based Rate Authorization to be effective 8/28/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5045.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2226–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement Nos. 218 and 335 to be effective 7/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5046.

Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2227–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2198R31 Kansas Power Pool NITSA NOA to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5049.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2228–000.
Applicants: New York State Electric & Gas Corporation.
Description: § 205(d) Rate Filing: NYSEG–NYPA Attachment C—O&M Annual Update to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5054.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2229–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Tariff Cancellation: DEC–FPL Notice of Cancellation of Service Agreements Nos. 42 and 165 to be effective 8/28/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5056.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2230–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2415R15 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5070.
Comments Due: 5 p.m. ET 7/19/21.
Docket Numbers: ER21–2231–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2562R10 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2021.
Filed Date: 6/28/21.
Accession Number: 20210628–5082.
Comments Due: 5 p.m. ET 7/19/21.
 The filings are accessible in the Commission’s eLibrary system (<https://elibrary.ferc.gov/idmws/search/fergensearch.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 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–14241 Filed 7–1–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–2217–000]

Lincoln Land Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Lincoln Land Wind, LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 19, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be

delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: June 28, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2021-14239 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-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: EC21-102-000.

Applicants: Harts Mill Solar, LLC, Harts Mill TE Holdings LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Harts Mill Solar, LLC, et al.

Filed Date: 6/23/21.

Accession Number: 20210623-5136.

Comments Due: 5 p.m. ET 7/14/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2421-006; ER10-2616-020; ER11-2457-006; ER11-4400-001; ER12-75-010; ER12-1769-009; ER12-2250-007; ER12-2251-007; ER12-2252-008; ER12-2253-007; ER14-883-014; ER14-1569-013; ER14-2245-007; ER15-1596-013; ER15-1599-013; ER19-102-006; ER19-158-008; ER19-2803-005; ER19-2806-005; ER19-2807-005; ER19-2809-005; ER19-2810-005; ER19-2811-005; ER20-2414-001; ER21-353-001; ER21-354-001.

Applicants: Energy Services Providers, Inc., Dynegy Marketing and Trade, LLC, Massachusetts Gas & Electric, Inc., Dynegy Power Marketing, LLC, Public Power, LLC, Everyday Energy, LLC, Everyday Energy NJ, LLC, Public Power & Utility of NY, Inc, Public Power (PA), LLC, Public Power & Utility of Maryland, LLC, Illinois Power Marketing Company, Dynegy Energy Services, LLC, TriEagle Energy, LP, Luminant Commercial Asset Management LLC, Dynegy Energy Services (East), LLC, Luminant Energy Company LLC, Ambit Northeast, LLC, Cincinnati Bell Energy LLC, Connecticut Gas & Electric, Inc., Energy Rewards, LLC, Viridian Energy NY, LLC, Viridian Energy PA, LLC, Viridian Energy, LLC, Moss Landing Energy Storage 1, LLC, Oakland Power Company LLC, Moss Landing Power Company LLC.

Description: Notice of Non-Material Change in Status of Energy Services Providers, Inc, et al.

Filed Date: 6/23/21.

Accession Number: 20210623-5156.

Comments Due: 5 p.m. ET 7/14/21.

Docket Numbers: ER10-2434-011; ER10-2436-011; ER10-2467-011; ER17-1666-008.

Applicants: Fenton Power Partners I, LLC.

Description: Triennial Market Power Analysis for Central Region of Fenton Power Partners I, LLC, et al.

Filed Date: 6/23/21.

Accession Number: 20210623-5139.

Comments Due: 5 p.m. ET 8/23/21.

Docket Numbers: ER10-2606-014; ER17-815-003; ER17-816-003.

Applicants: Consolidated Water Power Company, Verso Escanaba LLC, Verso Luke LLC.

Description: Triennial Market Power Analysis for Central Region of Consolidated Water Power Company, et al.

Filed Date: 6/24/21.

Accession Number: 20210624-5051.

Comments Due: 5 p.m. ET 8/23/21.

Docket Numbers: ER21-1525-001.

Applicants: Centerfield Cooper Solar, LLC.

Description: Tariff Amendment: Response to Deficiency Letter in Docket ER21-1525 to be effective 3/27/2021.

Filed Date: 6/23/21.

Accession Number: 20210623-5120.

Comments Due: 5 p.m. ET 7/14/21.

Docket Numbers: ER21-2182-000.

Applicants: Wisconsin Power and Light Company.

Description: Request for Prospective, Limited Waiver, et. al. of Wisconsin Power and Light Company.

Filed Date: 6/22/21.

Accession Number: 20210622-5145.

Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: ER21-2192-000.

Applicants: Sempra Gas & Power Marketing, LLC.

Description: Application to Recover Fuel Procurement Costs of Sempra Gas & Power Marketing, LLC.

Filed Date: 6/18/21.

Accession Number: 20210618-5140.

Comments Due: 5 p.m. ET 7/9/21.

Docket Numbers: ER21-2193-000.

Applicants: San Diego Gas & Electric Company.

Description: Application to Recover Fuel Costs of San Diego Gas & Electric Company.

Filed Date: 6/23/21.

Accession Number: 20210623-5140.

Comments Due: 5 p.m. ET 7/14/21.

Docket Numbers: ER21-2194-000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3127R4 Montana-Dakota Utilities Co. NITSA NOA to be effective 6/1/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5029.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2195-000.

Applicants: NorthWestern

Corporation.

Description: Tariff Cancellation: Cancellation of SA 893—Firm PTP TSA with Energy Keepers, Inc. to be effective 9/1/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5030.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2196-000.

Applicants: RE Slate 1 LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence for Amended and Restated Shared Facilities Agreement to be effective 6/25/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5038.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2197-000.

Applicants: New York Independent System Operator, Inc., Power Authority of the State of New York.

Description: § 205(d) Rate Filing: Joint 205 EPCA among the NYISO, NYPA and NY Transco segment B SA no. 2622 to be effective 6/11/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5047.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2198-000.

Applicants: Avista Corporation.

Description: § 205(d) Rate Filing: Revised Transmission Rates_AVA

OATT to be effective 10/1/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5050.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2199-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA/CSA, Service Agreement Nos. 5861 and 5862; Queue No. AB2-070 to be effective 12/1/2020.

Filed Date: 6/24/21.

Accession Number: 20210624-5059.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2200-000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: ESM Const Agmt Elektron Solar 25 YR to be effective 6/25/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5063.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2201-000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021-06-24_SA 3478 Dairyland Power-Fillmore County Solar 1st Rev GIA (J718) to be effective 6/15/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5064.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2202-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 2515; Queue No. U2-090 to be effective 5/5/2010.

Filed Date: 6/24/21.

Accession Number: 20210624-5067.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2203-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Tariff Revisions Regarding Interconnection Deficiency Review Requirements to be effective 8/23/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5068.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2204-000.

Applicants: ENGIE Power & Gas LLC.

Description: Compliance filing: Notice of Succession Refiling under ER21-1933 to be effective 5/17/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5076.

Comments Due: 5 p.m. ET 7/15/21.

Docket Numbers: ER21-2205-000.

Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-SP-Peregrine Solar Interconnection Agreement to be effective 6/19/2021.

Filed Date: 6/24/21.

Accession Number: 20210624-5103.

Comments Due: 5 p.m. ET 7/15/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/>

[fercgensearch.asp](https://elibrary.ferc.gov/idmws/search/)) 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 24, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021-14133 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL21-39-000]

Neptune Regional Transmission System Long Island Power Authority v. PJM Interconnection, L.L.C.; Notice Establishing Paper Hearing Procedures

On December 31, 2020, Neptune Regional Transmission System, LLC (Neptune) and Long Island Power Authority (LIPA) (together, Neptune/LIPA), pursuant to sections 206 and 306 of the Federal Power Act (FPA),¹ filed a complaint alleging the assignment of costs pursuant to the provisions of the regional cost allocation method included in the PJM Interconnection, L.L.C. (PJM) Open Access Transmission Tariff (Tariff) results in unjust and unreasonable rates. In an order issued on June 25, 2021, the Commission found that Neptune/LIPA has raised questions of material fact about the 1% *de minimis* threshold and netting provisions of PJM's solution-based DFAX method and whether the rates may have become unjust and unreasonable.² The Commission found that the record would benefit from further information and established

¹ 16 U.S.C. 824e and 825e.

² *Neptune Reg'l Transmission Sys., LLC v. PJM Interconnection, L.L.C.*, 175 FERC ¶ 61,247, at P 29 (2021).

paper hearing procedures to develop a further record.

Any interested persons who currently are not parties to Docket No. EL21-39-000 may submit notices of intervention or motions to intervene, as appropriate, within 21 days of the date of the Commission's June 25, 2021 order establishing paper hearing procedures. The briefing schedule described in Ordering Paragraph (D) of the June 25, 2021 order will apply to such persons.

Dated: June 28, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021-14240 Filed 7-1-21; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2021-0179; FRL-10025-84-OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) is announcing a public meeting of the Clean Air Act Advisory Committee (CAAAC) to be conducted via remote/virtual participation only. The EPA renewed the CAAAC charter on November 19, 2020 to provide independent advice and counsel to EPA on economic, environmental, technical, scientific and enforcement policy issues associated with implementation of the Clean Air Act of 1990.

DATES: The CAAAC will hold its next public meeting remotely/virtually on Wednesday, July 21, 2021 from 1:00 p.m. to 4:00 p.m. (EST) and Thursday, July 22, 2021 from 1:00 p.m. to 4:00 p.m. (EST). Members of the public may register to listen to the meeting or provide comments, by emailing caaac@epa.gov by 5:00 p.m. (EST) July 19, 2021.

FOR FURTHER INFORMATION CONTACT: Lorraine Reddick, Designated Federal Official, Clean Air Act Advisory Committee (6103A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-1293; email address: reddick.lorraine@epa.gov. Additional information about this meeting, the CAAAC, and its subcommittees and workgroups can be found on the CAAAC website: <http://www.epa.gov/oar/caaac/>.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. App. 2 section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next public meeting remotely/virtually on Wednesday, July 21, 2021 from 1:00 p.m. to 4:00 p.m. and Thursday, July 22, 2021 from 1:00 p.m. to 4:00 p.m. (EST).

The committee agenda and any documents prepared for the meeting will be publicly available on the CAAAC website at <http://www.epa.gov/caaac/> prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available on the CAAAC website or by contacting the Office of Air and Radiation Docket and requesting information under docket EPA-HQ-OAR-2021-0179. The docket office can be reached by email at: a-and-r-Docket@epa.gov or FAX: 202-566-9744.

For information on access or services for individuals with disabilities, please contact Lorraine Reddick at reddick.lorraine@epa.gov, preferably at least 7 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 28, 2021.

John Shoaff,

Director, Office of Air Policy and Program Support.

[FR Doc. 2021-14156 Filed 7-1-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2020-0579; FRL-10025-87-OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Mobile Air Conditioner Retrofitting Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Mobile Air Conditioner Retrofitting Program (EPA ICR Number 1774.08, OMB Control Number 2060-0350) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2021. Public comments were previously requested via the **Federal Register** on January 19, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public

comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 2, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2020-0579, online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Christina Thompson, Environmental Protection Agency, Stratospheric Protection Division, Office of Atmospheric Programs, MC 6205T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-0983; email address: thompson.christina@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>. The telephone number for the Docket Center is 202-566-1744. For further information on EPA Docket Center services and the current status, please visit <https://www.epa.gov/dockets>.

Abstract: EPA's Significant New Alternatives Policy (SNAP) program implements Section 612 of the 1990 Clean Air Act (CAA) Amendments which authorizes the Agency to establish regulatory requirements to ensure that ozone-depleting substances (ODS) are replaced by alternatives that reduce overall risks to human health

and the environment, and to promote an expedited transition to safe substitutes. To promote this transition, the CAA specified that EPA establish an information clearinghouse of available alternatives, and coordinate with other Federal agencies and the public on research, procurement practices, and information and technology transfers.

Since the program's inception in 1994, SNAP has reviewed close to 500 new chemicals and alternative manufacturing processes for a wide range of consumer, industrial, space exploration, and national security applications. Roughly 90% of alternatives submitted to EPA for review have been listed as acceptable for a specific use, typically with some condition or limit to minimize risks to human health and the environment.

Regulations promulgated under SNAP require that Motor Vehicle Air Conditioners (MVACs) retrofitted to use a SNAP substitute refrigerant include basic information on a label to be affixed to the air conditioner. The label includes the name of the substitute refrigerant, when and by whom the retrofit was performed, environmental and safety information about the substitute refrigerant, and other information. This information is needed so that subsequent technicians working on the MVAC system will be able to service the equipment properly, decreasing the likelihood of significant refrigerant cross-contamination and potential failure of air conditioning systems and recovery/recycling equipment.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are new and used car dealers, gas service stations, top and body repair shops, general automotive repair shops, automotive repair shops not elsewhere classified, including air conditioning and radiator specialty shops.

Respondent's obligation to respond: Mandatory under 40 CFR 82.180.

Estimated number of respondents: 3 (total).

Frequency of response: Once per retrofit of a motor vehicle air conditioner.

Total estimated burden: Less than one hour (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$3.64 (per year), includes \$0.10 (per year) annualized capital or operation & maintenance costs.

Changes in estimates: There is a decrease of less than one hours in the total estimated respondent burden compared with the ICR currently approved by OMB (per year). This

decrease is based on the decline of MVACs in service today using chlorofluorocarbons (CFCs), specifically CFC-12.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021-14121 Filed 7-1-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9057-2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed June 21, 2021 10 a.m. EST

Through June 28, 2021 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20210084, Final, NMFS, ME, Regulatory Impact Review and Final Regulatory Flexibility Analysis for Amending the Atlantic Large Whale Take Reduction Plan: Risk Reduction Rule, Review Period Ends: 08/02/2021, Contact: Jennifer Anderson 978-281-9226.

EIS No. 20210085, Final, BLM, CO, Blue Valley Ranch Land Exchange, Review Period Ends: 08/02/2021, Contact: William Mills 970-724-3001.

EIS No. 20210086, Draft, FERC, LA, East Lateral Xpress Project, Comment Period Ends: 08/16/2021, Contact: Office of External Affairs 866-208-3372.

Amended Notice

EIS No. 20210047, Draft Supplement, FHWA, KS, South Lawrence Trafficway, Comment Period Ends: 09/30/2021, Contact: Javier Ahumada 785-273-2649. Revision to FR Notice Published 05/07/2021; Extending the Comment Period from 06/21/2021 to 09/30/2021.

Dated: June 28, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021-14172 Filed 7-1-21; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: EIB-2021-0002]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of \$100 Million: AP089408XX

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This Notice is to inform the public the Export-Import Bank of the United States ("EXIM") has received an application for final commitments for aggregated long-term loans or financial guarantees in excess of \$100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on these Transactions.

DATES: Comments must be received on or before July 27, 2021 to be assured of consideration before final consideration of the transactions by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through [Regulations.gov](https://www.regulations.gov) at WWW.REGULATIONS.GOV. To submit a comment, enter EIB-2021-0002 under the heading "Enter Keyword or ID" and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB-2021-0002 on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP089408XX.

Purpose and Use:

Brief description of the purpose of the transactions: To support the export of U.S.-manufactured long haul wide-body commercial aircraft to Canada.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for passenger and cargo air transport mainly within Canada, between Canada and Europe and between Canada and other North American destinations.

To the extent that EXIM is reasonably aware, the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: WestJet.

Guarantor(s): WestJet Group Inc. and subsidiaries.

Description of Items Being Exported: Boeing 787 aircraft.

Information on Decision: Information on the final decision for these transactions will be available in the

"Summary Minutes of Meetings of Board of Directors" on <http://exim.gov/newsandevents/boardmeetings/board/>.

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2021-14171 Filed 7-1-21; 8:45 am]

BILLING CODE 6690-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 33845; DA 21-593]

Alert Reporting System Available for Filing of State Emergency Alert System Plans

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (Commission or FCC) announces that its Alert Reporting System (ARS) is now open for the filing of State Emergency Alert System (EAS) Plans.

FOR FURTHER INFORMATION CONTACT:

David Munson, Attorney Advisor, Public Safety and Homeland Security Bureau, at (202) 418-2921, or by email at David.Munson@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice (DA 21-593), released May 25, 2021, announcing that the ARS, adopted in the State EAS Plan Order, PS Docket No. 15-94, FCC 18-39, adopted on March 28, 2018, released on April 10, 2018, and published at 83 FR 37750 (August 2, 2018), is now fully operational and available to receive State EAS Plan filings.

The EAS is a national public warning system used by state, local, federal, Tribal and territorial alert originators to deliver emergency alerts to the public. The ARS is an online filing system for the filing of State EAS Plans by State Emergency Communications Committees (SECCs). State EAS Plans must describe state and local EAS operations and contain guidelines that must be followed to activate the EAS.

In the State EAS Plan Order, in addition to adopting the ARS, the Commission amended sections 11.18 and 11.21, 47 CFR 11.18 and 11.21, respectively, of its rules governing EAS designations and State EAS Plan content, and stated that both the electronic submission of State EAS Plans by SECCs using the ARS, and compliance with the amendments adopted to sections 11.18 and 11.21, would be required “within one year of publication in the **Federal Register** of a Public Notice announcing: (i) Office of Management and Budget (OMB) approval of ARS information collection requirements or (ii) the availability of the ARS to receive such information, whichever is later.”

On July 23, 2019, notice of OMB’s approval of the information collection requirements associated with ARS was published in the **Federal Register**, Federal Communications Commission, Emergency Alert System; Wireless Emergency Alerts, 84 FR 35334 (July 23, 2019). Accordingly, publication of this Notice in the **Federal Register** of ARS’s availability to receive State EAS Plan filings triggers the one-year deadline for (i) electronic submission of State EAS Plans via ARS, and compliance with the amendments to Sections 11.18 and 11.21 adopted in the State EAS Plan Order. Accordingly, electronic submission of State EAS Plans using the ARS, and compliance with the EAS designations at 47 CFR 11.18 and the State EAS Plan content rules at 47 CFR 11.21, will be required on or by July 5, 2022. SECCs may access the ARS at <https://www.fcc.gov/licensing-databases/fcc-user-login>.

For further information about ARS and/or the filing process, please contact David Munson at (202) 418–2921 or David.Munson@fcc.gov.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2021–14206 Filed 7–1–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0600; FRS 36044]

Information Collection Approved by the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (Commission) has received Office of Management and Budget

(OMB) approval for a revision to a currently approved public information collection pursuant to the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid control number. Comments concerning the accuracy of the burden estimates and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, at (202) 418–2918, or email: Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0600.

OMB Approval Date: June 28, 2021.

OMB Expiration Date: December 31, 2021.

Title: Application to Participate in an FCC Auction, FCC Form 175.

Form Number: FCC Form 175.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 500 respondents and 500 responses.

Estimated Time per Response: 90 minutes.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 154(i) and 309(j)(5) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), and sections 1.2105, 1.2110, 1.2112 of the Commission’s rules, 47 CFR 1.2105, 1.2110, 1.2112.

Estimated Total Annual Burden: 750 hours.

Total Annual Costs: None.

Nature and Extent of Confidentiality: Information collected on FCC Form 175 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information on FCC Form 175. However, to the extent a respondent seeks to have certain information collected on FCC Form 175 withheld from public inspection, the respondent may request confidential treatment of such information pursuant to section 0.459 of the Commission’s rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On March 17, 2021, the Commission adopted the *Auction*

110 Comment Public Notice (FCC 21–33) in which it announced that an auction for licenses in the 3.45–3.55 GHz band will begin in early October 2021 and requested comment on proposed procedures for the auction. Among other things, the *Auction 110 Comment Public Notice* proposed that, in addition to making the certifications already required by the Commission’s rules in its FCC Form 175 auction application, each Auction 110 applicant also be required to certify that it has read the public notice adopting procedures for the auction and that it has familiarized itself both with the auction procedures and with the requirements for obtaining a license and operating facilities in the 3.45–3.55 GHz band. On May 19, 2021, the Commission’s Office of Economics and Analytics and Wireless Telecommunications Bureau released a Public Notice (DA 21–567) adopting the proposed additional certification requirement for applicants seeking to participate in Auction 110. The revised collection will enable the Commission to confirm that an auction applicant has read the public notice adopting procedures for the auction and has familiarized itself both with the auction procedures and with the requirements for obtaining a license and operating facilities in the 3.45–3.55 GHz band through the applicant’s certification to that effect in its FCC Form 175 application.

The Commission’s auction rules and related requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing processes, and enhance the use of competitive bidding to assign Commission licenses and permits in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in an auction for Commission licenses or permits. Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held. Staff determines whether each applicant satisfies the Commission’s requirements to participate in the auction and, if an

applicant claims status as a particular type of auction participant, whether that applicant is eligible for the status claimed. The Commission plans to continue to use the Form 175 for its upcoming auctions for Commission licenses and permits, including the forward auction component of any incentive auction, collecting only the information necessary for each particular auction.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2021-14231 Filed 6-30-21; 11:15 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Community Banking; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Community Banking. The Advisory Committee will provide advice and recommendations on a broad range of policy issues that have particular impact on small community banks throughout the United States and the local communities they serve.

DATES: Thursday, July 22, 2021, from 1:00 p.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Debra A. Decker, Committee Management Officer of the FDIC at (202) 898-8748.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include a discussion of current issues affecting community banking. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this meeting of the FDIC Advisory Committee on Community Banking will be via a Webcast live on the internet. In addition, the meeting will be recorded and subsequently made available on-demand approximately two weeks after the event. To view the live event, visit <http://fdic.windrosemedia.com>. To view

the recording, visit <http://fdic.windrosemedia.com/index.php?category=Community+Banking+Advisory+Committee>. If you require a reasonable accommodation to participate, please contact DisabilityProgram@fdic.gov or call 703-562-2096 to make the necessary arrangements. For optimal viewing, a high-speed internet connection is recommended.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 29, 2021.

Debra A. Decker,

Deputy Executive Secretary.

[FR Doc. 2021-14185 Filed 7-1-21; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 19, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *The Lorene M. Roberton Testamentary Trust, James T. Roberton, individually, and as trustee, both of Ramsey, Minnesota;* as members of the

Roberton Family Control Group, a group acting in concert, to retain voting shares of Rushford State Bancorp, Inc., and thereby indirectly retain voting shares of Rushford State Bank, both of Rushford, Minnesota.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Abigail Goodenow, West Des Moines, Iowa; Nicholas Goodenow, Okoboji, Iowa; John M. Blum, Centennial, Colorado; and Katie Blum Cone, Storm Lake, Iowa;* to join the Goodenow Family Control Group, a group acting in concert, to retain voting shares of Goodenow Bancorporation, Okoboji, Iowa, and thereby indirectly retain voting shares of Bank Midwest, Spirit Lake, Iowa.

Board of Governors of the Federal Reserve System, June 29, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-14215 Filed 7-1-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than July 19, 2021.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. *The Sue Soileau Trust, Steven G. Durio and Anthony Kip Bertrand, as co-trustees, The David C. Brignac, Jr. Trust, Steven G. Durio, as trustee, all of Lafayette, Louisiana; and the Washington State Bancshares Employee Stock Ownership Plan (ESOP), Washington Louisiana, Steven G. Durio, as trustee of the ESOP, as a group acting in concert to acquire additional voting shares of Washington State Bancshares, Inc. and thereby indirectly acquire additional voting shares of Washington State Bank, both of Washington, Louisiana.*

Board of Governors of the Federal Reserve System, June 28, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-14153 Filed 7-1-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Advisory Board on Radiation and Worker Health for the Energy Employees Occupational Illness Compensation Program Act of 2000

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the Advisory Board on Radiation and Worker Health (ABRWH) for the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). The ABRWH consists of not more than 20 members appointed by the President of the United States, and shall reflect a balance of scientific, medical, and worker perspectives. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the ABRWH's objectives. Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the ABRWH may be asked to consider. Federal employees will not be considered for membership.

DATES: Nominations for individuals to serve on the ABRWH must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) no later than August 2, 2021. Packages received after this time will not be considered.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods below:

- **Electronically: Email:**

(recommended) to Nancy Adams, dcas@cdc.gov (specify in the email subject line, "Advisory Board on Radiation and Worker Health Nomination"); or

- **Mail: Express Delivery, hand delivery messenger, or courier service:**

Submit one copy of all required documents to the following address: Nancy Adams, ABRWH, Office of the Director, National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, 395 E Street SW, Suite 9200, Patriots Plaza, Washington, DC 20201.

Follow-up communications with nominees may occur as necessary throughout the process.

FOR FURTHER INFORMATION CONTACT:

Nancy Adams, National Institute for Occupational Safety and Health (NIOSH); Telephone: (540) 431-8024; Email: dcas@cdc.gov (Specify in the email subject line, "Advisory Board on Radiation and Worker Health Nomination").

SUPPLEMENTARY INFORMATION: The Centers for Disease Control and Prevention (CDC) invites interested parties to submit nominations for individuals to serve on the ABRWH for the Energy Employees Occupational Illness Compensation Program Act of 2000. The ABRWH was established pursuant to Section 3624 of Public Law 106-398, and Section 4 of Executive Order 13179, "Providing Compensation to America's Nuclear Weapons Workers," dated December 7, 2000. The ABRWH is governed by the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. app. 2), which sets forth standards for the formation and use of advisory committees. The statutory authority for the ABRWH is codified at 42 U.S.C. 7384o. The ABRWH currently operates under Executive Order 13889, dated September 27, 2019.

Section 4(b) of Executive Order 13179 establishes that the ABRWH shall provide advice to the Secretary, HHS on (1) the development of guidelines to assess the likelihood that an individual with cancer sustained the cancer in the performance of duty at a Department of Energy (DOE) or an Atomic Weapons Employer (AWE) facility, and methods

for arriving at and providing reasonable estimates of the radiation doses received by individuals applying for assistance under this program for whom there are inadequate records of radiation exposure; (2) the scientific validity and quality of dose reconstruction efforts performed for purposes of the compensation program; and (3) upon request by the Secretary, HHS, whether there is a class of employees at any DOE or AWE facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation dose may have endangered the health of members of the class. More information on the ABRWH is available at <https://www.cdc.gov/niosh/ocas/ocasadv.html>.

As required by 42 U.S.C. 7384o(a)(2), the President shall make appointments to the Board in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a balance of scientific, medical, and worker perspectives. The U.S. Department of Health and Human Services (HHS) policy stipulates that committee membership shall be made without discrimination on the basis of race, color, sex, religion, ethnicity, age, disability, gender, sexual orientation, gender identity, HIV status, genetic information, cultural, religious, or socioeconomic status. Minorities, women, and people with disability are encouraged to submit their nomination. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. government. Current participation on Federal workgroups or prior experience serving on a Federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. ABRWH members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports, and they serve with compensation and may receive reimbursement for travel expenses for their attendance at ABRWH meetings, including per diem in lieu of subsistence, as authorized by the Federal travel regulations. The activities of the ABRWH may necessitate its members to obtain a top-secret security clearance.

HHS may consider representation of a nominee's knowledge, experience, and expertise in the fields of health physics, industrial hygiene, toxicology, epidemiology, occupational medicine, or the worker perspective in the nuclear facilities spanning the operationally and geographically diverse DOE and AWE

facilities covered by the EEOICPA programs; or familiarity, experience, or history of participation with the EEOICPA program. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

The ABRWH consists of not more than 20 members appointed by the President of the United States. As required by 42 U.S.C. 7384o(a)(2), the President makes appointments to the ABRWH in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the ABRWH reflects a balance of scientific, medical, and worker perspectives. As required by 42 U.S.C. 7384o(a)(3), the President designates a Chair for the ABRWH from among its members. The authorizing statutory provision under 42 U.S.C. 7384o and Section 4 of Executive Order 13179 do not include a limit for terms of appointment for ABRWH members.

Nomination Process: Any interested person or organization may nominate one or more qualified individuals for membership. If you would like to nominate an individual or yourself for appointment to the ABRWH, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position.
- A copy of the nominee's resume or curriculum vitae; category of membership (e.g., scientific, medical, and/or worker perspective) that the nominee represents; a summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above.
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in the fields of health physics, industrial hygiene, toxicology, epidemiology, occupational medicine, or the worker perspective in the nuclear facilities covered by the EEOICPA program; or familiarity, experience, or history of participation with the EEOICPA program. Nominations may be submitted by the candidate him or herself, or by the person/organization recommending the candidate.
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not

employed by an HHS agency (e.g., CDC, NIH, FDA, etc.).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021-14204 Filed 7-1-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-21-0307]

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 "Gonococcal Isolate Surveillance Project (GISP)" 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 March 8, 2021 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

Gonococcal Isolate Surveillance Project—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Gonococcal Isolate Surveillance Project (GISP) was created in 1986 to monitor trends in antimicrobial susceptibilities of *Neisseria gonorrhoeae* strains in the United States. GISP continues to be a collaboration between different branches of the CDC's Division of STD Prevention, selected regional laboratories, and selected state/local public health departments and their associated STD specialty care clinics in the United States. National organizations, local jurisdictions and individuals use data collected in GISP to understand, monitor, and prevent further transmission of antibiotic resistant strains of *N. gonorrhoeae*. Data from GISP are used to establish a scientific basis for the selection of gonococcal therapies and to allow proactive changes to treatment guidelines before widespread resistance and failures of treatment occur. To increase capacity to detect and monitor resistant gonorrhoea and to improve the specificity of GISP, this revision is being submitted to include collection of remnant nucleic acid amplification test (NAAT)

specimens and updated data element options for treatment received based on the 2020 updated gonorrhea treatment recommendations.

GISP core surveillance activities sample <4% of reported male gonorrhea cases in the United States and are limited to urethral infections only. In 2018, enhanced GISP (eGISP) began sampling female genital (endocervical and vaginal) and male and female extragenital (pharyngeal and rectal) anatomic sites, in addition to the male genital site already sampled in GISP core surveillance. Including isolates from the pharynx and other anatomic sites, as well as from women, expands on GISP’s public health efforts to detect and respond to resistance more quickly. GISP surveillance was also strengthened with the addition of eGISP by identifying isolates that are culture positive for *N. gonorrhoeae*, but negative by NAAT, which is a more specific diagnostic test. This helped to ensure that non-gonococcal bacteria are excluded from gonococcal data, strengthening the accuracy and usefulness of GISP data, especially when clinical syndromes with other *Neisseria species* are indistinguishable from gonorrhea.

To further improve and strengthen GISP surveillance, an additional enhanced surveillance activity in the form of molecular surveillance has been added to this revision. Participating sites already locally performing NAATs would retain the leftover gonorrhea-positive samples (remnant) after diagnostic results have been determined and reported as part of standard care. The gonorrhea-positive remnant NAAT sample would be frozen, stored, and then shipped directly to CDC on a monthly basis for molecular characterization of known resistance-conferring gene mutations. Remnant NAAT specimens from any anatomic site (including from the urethra, pharynx, rectum, vagina, and cervix) of gonorrhea positive persons will be

accepted. We anticipate that 10 sites will participate in this molecular surveillance activity and we anticipate up to 70 positive remnant NAAT specimens per month will be sent by each of these 10 sites to CDC for testing.

To maintain accurate collection of GISP data elements, this revision also includes the updated weight-based dosing of ceftriaxone and cefixime. In December 2020, CDC released the “Update to CDC’s Treatment Guidelines for Gonococcal Infection.” These new treatment recommendations increased the dose of the recommended regimen and the dose for an alternative regimen (ceftriaxone and cefixime, respectively). These values, collected and recorded under the received treatment data element, are being added to allow for the collection of treatment data consistent with these updated recommendations.

Under this revision, the data collection and processes for all GISP activities are unchanged. The increased dosages for ceftriaxone and cefixime treatments allow for new data element options, but not a change in the number of data elements or the current work demand to collect them. All demographic/clinical data from the sentinel sites will be submitted electronically directly from the sentinel sites to the GISP data manager at CDC through; (1) a secure data portal, or (2) through the CDC Secure Access Management Services partner portal. To minimize burden, comma-separated values (csv) files that provide standardized structure of the electronic data are provided to sentinel sites and laboratories. Additionally, to further minimize burden, the regional laboratories will be able to extract electronic data directly from electronic laboratory information systems instead of hand entering data. Laboratories are not required to report control strain testing results.

This project will not collect name, social security number, or date of birth.

A Patient ID, a unique patient identifier assigned by the site that allows for linking of multiple isolates from a single person at a single clinic visit and across multiple clinic visits, is requested and will be provided to CDC for purposes of enhanced surveillance. Sensitive information such as sex of sex partners, HIV status, sex work exposure, and injection drug use are collected. Patient data are obtained through review of medical records by the clinic staff and included in collection reporting of demographic/clinical information. All personally identifiable information (PII) is retained by the STD clinics that treated the patient and is not recorded with data sent to CDC or regional laboratories. The electronic GISP database is stored on the CDC mainframe computer and only approved Division of STD Prevention (DSTDP) staff have access rights to the data. As part of the revision, we will continue to systematically identify the risks and potential effects of collecting, maintaining, and disseminating PII and to examine and evaluate alternative processes for handling that information to mitigate potential privacy risks and risks to confidentiality.

The CDC has designated *N. gonorrhoeae* as one of five “urgent” antibiotic resistance threats in the United States. The CDC is requesting a three-year OMB approval for this revision, which directly responds to the National Strategy for Combating Antibiotic Resistant Bacteria by improving and strengthening surveillance of antimicrobial resistance through GISP. GISP data can help monitor and evaluate the effectiveness of public health interventions conducted to support the National Strategy for Combating Antibiotic Resistant Bacteria. There are no costs to respondents other than their time. The estimated annual burden is 13,056 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Sentinel site conducting culture-based core surveillance.	Demographic/Clinical Data	20	240	11/60
Sentinel site conducting culture-based enhanced surveillance.	Demographic/Clinical Data	10	840	12/60
Sentinel site conducting molecular enhanced surveillance.	Demographic/Clinical Data	10	840	12/60
Regional laboratory	Antimicrobial Susceptibility Testing Results .. Control Strain Susceptibility Testing	4	3,300 48	40/60 5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Scientific Integrity, Office of Science,
Centers for Disease Control and Prevention.

[FR Doc. 2021-14226 Filed 7-1-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21-21GA Docket No. CDC-2021-0061]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposal to allow CDC's National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Division of Adolescent and School Health (DASH) to conduct a research information collection project titled "Teen and Parents Surveys of Health (TAPS)". This project serves to inform the CDC's Division of Adolescent and School Health's (DASH) key school-based programmatic strategies of improving family- and school-level protective factors, bolstering health education, and increasing adolescent access to quality health services.

DATES: CDC must receive written comments on or before August 31, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2021-0061 by any of the following methods:

- *Federal eRulemaking Portal:* Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without

change, all relevant comments to Regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7118; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Teen and Parents Surveys of Health (TAPS)—New—National Center for

HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Division of Adolescent and School Health (DASH) requests approval for "Teen and Parent Surveys of Health (TAPS)" through an existing online panel using NORC at the University of Chicago's AmeriSpeaks panel. Documenting health-related risk behaviors and experiences and health outcomes of young people through routine surveillance is a critical component of DASH's prevention efforts. Another component of DASH's efforts to improve adolescent health is observational research to inform its school-based programmatic strategies. This type of research serves to inform priority settings and sub-populations for intervention as well as specific intervention strategies. TAPS data will allow DASH to refine existing strategies for funded school district partners to improve the quality of their programs and services to prevent HIV, other STDs, and pregnancy among adolescents, as well as improve mental health, sexual health and other adolescent health outcomes (e.g., substance use, violence victimization). Data will be used to inform DASH's key school-based programmatic strategies of improving family- and school-level protective factors, bolstering health education, and increasing adolescent access to quality health services. This observational research complements and extends DASH's ongoing surveillance efforts through the Youth Risk Behavioral Surveillances System (YRBSS) (OMB Control No. 0920-0493, Exp. 11/30/2023), which provides key national estimates of adolescent health risk behaviors and health outcomes, by providing a deeper dive into individual, family, and school factors that positively associate with adolescent behaviors and health outcomes. Collecting this observational data provides the opportunity to examine untested associations of protective factors, health education experiences, and health service use (immediate outcomes of DASH strategies) with mental health, sexual health, and substance use outcomes.

CDC requests approval for an estimated 1,378 annual burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
Parents/Caregivers of 15–17 year olds.	Adult/Caregiver Survey	2,634	1	20/60	878
Adolescent 15–17 year olds	Adolescent Survey	900	1	20/60	300
Adolescent 18–19 year olds	Adolescent Survey	600	1	20/60	200
Totals .....	.....	.....	.....	.....	1,378

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–14223 Filed 7–1–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–21CG]

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 “A Longitudinal Examination of Mental and Physical Health among Police Associated with COVID–19” 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 January 26, 2021 to obtain comments from the public and affected agencies. CDC received one comment 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

A Longitudinal Examination of Mental and Physical Health among Police Associated with COVID–19—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Police officers are exposed to several stressors during their working lives, including traumatic events (*e.g.*, motor-vehicle accidents, domestic incidents), organizational stressors (*e.g.*, long work hours, shiftwork), public criticism, and concern about physical harm. On top of these day-to-day stressors, the coronavirus disease 2019 (COVID–19) has contributed to an increase in mental and physical risk. Although exact figures are not known, in April 2020, it was estimated that approximately 17% of the New York police department were

out sick, and five officers had died. Over 1,000 police officers had tested positive for COVID–19. Since then, rates of COVID–19 have not only increased in the general population, but also in police populations. These preliminary studies indicate that police departments are under a great deal of stress and at greater risk because of COVID–19. Given that efficiently performing officers are key to successful functioning of law enforcement, addressing police mental and physical health is imperative for their well-being, as well as that of the public they serve. Nonetheless, little research has been conducted to evaluate the physical and mental health consequences of the COVID–19 pandemic on police officers. Thus, NIOSH seeks OMB approval to evaluate the longitudinal mental and physical health effect of the COVID–19 pandemic on police officers.

Previously, in collaboration with NIOSH, the University of New York at Buffalo (UB) conducted a cross-sectional research project to evaluate the mental, physical, and subclinical measures of health in the Buffalo, NY police officers as part of the Buffalo Cardio-Metabolic Occupational Police Stress (BCOPS) study. The BCOPS study itself includes a baseline examination and four follow-up examinations. For this reason, NIOSH has mental and physical health data on police officers, collected *prior to* COVID–19, including stress related surveys, blood parameters, physical measures, stress biomarkers (cortisol) and telomere length data.

To meet the aims of the current study NIOSH has contracted with UB to recruit 200 police officers who previously participated in a BCOPS study. Priority will be placed on recruiting officers who participated in the last BCOPS study (n=240). If 200 of the 240 officers cannot be recruited, then UB will try to recruit any officer who has previously participated in a BCOPS study. A subset of the surveys and biological data collected as part of the BCOPS studies will be repeated for this study. By comparing the responses of the surveys and physical data

collected as part of BCOPS (prior to COVID-19), to those obtained during this study, NIOSH can evaluate the longitudinal physical and psychological health effects of COVID-19 on the police officers.

To meet the aims of this study there will be two rounds of data collection. The first round will consist of collecting both the mental and physical health data. The second round, approximately 6-8 months later, will consist of collecting the mental health and medical history surveys only.

During the first round, letters will be sent to officers who participated in the previous BCOPS study asking them to voluntarily participate in this study. Once they agree, a letter of introduction will be sent. If an officer hasn't responded after two letters have been sent, UB will contact the officers by phone. If the officer declines to participate they will no longer be contacted. For officers who agree to participate, UB will coordinate the scheduling of officers with the police department and will not schedule officers more than one month in advance. Scheduling will be flexible.

At their designated appointment, all participants will complete the paper and pencil questionnaires then complete the clinical exam, which will entail a fasting blood draw

(approximately four tablespoons), measuring the participants' height, weight, abdominal height, waist circumference and neck circumference, and taking their blood pressure.

Cortisol saliva testing will be done outside of the clinic at the participant's residence by the participant. Participants will be provided with Salivettes (Sarstedt, USA), a commercially available collection device consisting of dental rolls and centrifuge tubes, to take with them when they leave the clinic for the collection of saliva samples. Participants will be given instructions on how to collect the samples to be taken the day after they leave the clinic. The participant will be asked to return the saliva samples to the clinic when completed either in person or via paid postage. This ends the clinic visit. UB will advise the participant upon departing during round one that they would like to contact them again in 6-8 months to complete the same surveys they did in the clinic.

For the second round, UB will conduct a follow-up survey approximately 6-8 months after the clinic visit. Each officer who participated in the first round and who agreed to participate in the second round, will be sent the same set of psychological surveys, the medical

history questionnaire, and a follow-up COVID questionnaire. The psychological surveys will be the same surveys they did during the first round, while the COVID questionnaire asks additional questions related to their experience with COVID since the clinic visit. They will not be asked to complete the personal history questionnaire the second time. This second set of questionnaires allows NIOSH to meet the study aims.

The Burden Table lists the estimated population size of 200 police officers who will respond to 16 psychosocial questionnaires, serological (blood) collection, and salivary cortisol at the first round. All officers who participate in the first round and who have agreed, will be mailed the medical history questionnaire and psychosocial questionnaires 6-8 months later (second round). Biological samples will not be collected during the second round. We anticipate that up to 10% of the participants may not present for testing during either the first round or second round of questionnaires. Therefore, we estimate that 180 officers will complete both rounds of the data collection. The total burden hours for all surveys, serological sample collection, and salivary cortisol is 596. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Police officers	Letter of Invitation	240	1	1/60
	Letter of Introduction	200	1	7/60
	Eligibility Screening Form	200	1	5/60
	Personal history	180	1	2/60
	Medical history	180	2	8/60
	Spielberger Stress Survey	180	2	7/60
	Center for Epidemiologic Studies Depression Scale.	180	2	2/60
	Brief Cope	180	2	3/60
	Organizational Support Scale	180	2	2/60
	Maslach Burnout	180	2	2/60
	Fatigue Scale	180	2	2/60
	Posttraumatic Stress Disorder-5	180	2	2/60
	Connor-Davidson Resiliency Scale	180	2	1/60
	Beck Anxiety	180	2	3/60
	Pittsburgh Sleep Quality Index	180	2	2/60
	Beck Depression	180	2	3/60
	Beck Hopelessness	180	2	2/60
	COVID-19 Round 1	180	1	3/60
	COVID-19 Round 2	180	1	3/60
	Civil Unrest/Public Perception/work environment.	180	2	3/60
	Serological Sample collection	180	1	1
	Salivary Cortisol collection	180	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office,
Office of Scientific Integrity, Office of Science,
Centers for Disease Control and Prevention.

[FR Doc. 2021-14225 Filed 7-1-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21-21GB; Docket No. CDC-2021-0062]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Performance Monitoring of CDC's Core State Injury Prevention Program. The proposed study is designed to collect performance monitoring data, via a web-based tool, from recipients funded under the Core State Injury Prevention Program cooperative agreement (Core SIPP).

DATES: CDC must receive written comments on or before August 31, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2021-0062 by any of the following methods:

- *Federal eRulemaking Portal:*

Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*. Please note: Submit all comments through the *Federal eRulemaking portal (regulations.gov)* or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of

the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7118; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Performance Monitoring of CDC's Core State Injury Prevention Program—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) seeks Office of Management and Budget (OMB) approval to electronically collect performance monitoring data, via a web-based Partners' Portal, from recipients

funded under the Core State Injury Prevention Program cooperative agreement, hereafter known as Core SIPP. OMB approval is requested for three years. The electronic collection of information for program and performance monitoring aligns with three of CDC's Data Modernization Initiative Key Objectives to:

- Develop and implement cloud-based approaches for automating data collection and supporting multi-directional data flows among STLT partners and CDC.
- Reduce burden for data providers and public health agencies.
- Ensure systems and services are scalable, interoperable, and adaptable to meet evolving needs.

Recipients will report progress and activity information to CDC on an annual schedule using a web-based Partners' Portal.

Information to be collected will provide crucial data for program performance monitoring and provide CDC with the capacity to respond in a timely manner to requests for information about the program from the Department of Health and Human Services (DHHS), the White House, Congress, and other sources. Information to be collected will also strengthen CDC's ability to monitor awardee progress, provide data-driven technical assistance, and disseminate the most current surveillance data on unintentional and intentional injuries.

Monitoring the impact of population-based strategies and identifying new insights and innovative solutions to health problems are two of the noted public health activities that all public health systems should undertake. For NCIPC, these objectives cannot be satisfied without the systematic collection of data and information from state health departments. The information collection will enable the accurate, reliable, uniform and timely submission to NCIPC of each awardee's progress report and injury indicators, including strategies and performance measures. The information collection plan proposed here will also generate a variety of routine and customizable reports. State-specific reports will allow each awardee to summarize activities and progress towards meeting strategies and performance measure targets related to the reduction and prevention of unintentional and intentional injuries. NCIPC will also have the capacity to generate reports that describe activities and health outcomes across multiple recipients, which will enable better reporting of trends and provision of technical assistance through linking

partners across state health departments and collaborating divisions within CDC.

The information collection and reporting requirements have been carefully designed to align with, and support the specific goals and outcomes outlined in the Core SIPP cooperative agreement. The overarching goal of Core SIPP is to strengthen the awardee's injury prevention programs and policies and demonstrate impact in the reduction of injury-related morbidity and mortality. Although the data are limited to the 23 recipients of the Core SIPP NOFO, the results can be generalizable and inform injury prevention work. Moreover, it is asserted that the results of the data collection are vital to ensuring the Core SIPP's efficient management. Results will not only allow NCIPC staff to provide data-driven technical assistance to recipients, but also to assess patterns across other NCIPC injury prevention programs such as, Prescription Drug Overdose Prevention for States and the Injury Control Research Centers. In addition, the data collection will inform the continuous quality improvement process and allow NCIPC staff to make mid-course corrections and describe the impact on health outcomes.

The information collection procedures will also allow NCIPC to respond to inquiries from the HHS, the White House, Congress and other stakeholders about program activities and their impact; as well as, work towards CDCs overarching mission to protect America from health, safety and security threats, both foreign and in the U.S. NCIPC will use the information collected in the Partners' Portal to perform program activities to accomplish the following objectives:

- Monitor each awardee's progress and identify facilitators and barriers to program implementation and achievement of outcomes. Monitoring allows NCIPC to determine whether an awardee is meeting performance goals, to inform awardee continuous quality improvements, and to inform the type of intensity of CDC-provided technical assistance to support attainment of their performance measures.
- Identify trends in injury surveillance data to inform state foci for prevention and intervention strategies as well as the production of relevant reports, journal articles, and resources for state health departments.
- Identify, translate, and disseminate information about successful injury

prevention and control strategies implemented by recipients through the development of journal articles, tools, templates, and other injury prevention resources/products.

Program recipients will use the information collected to manage and coordinate their activities and to improve their efforts to prevent and control injuries. The Partners' Portal allows recipients to fulfill their annual reporting obligations efficiently by employing user-friendly, easily accessible web-based instruments to collect necessary information for both progress reports and continuation applications including work plans. This approach enables recipients to save pertinent information from one reporting period to the next and reduces the administrative burden on the annual continuation application and the performance monitoring process. Awardee program staff are able to review the completeness of data needed to generate required reports, enter basic summary data for reports annually, and finalize and save required reports for upload into other reporting systems as required.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Core SIPP Program Recipients	Annual Progress Report	23	1	11	253
Total .....	.....	.....	.....	.....	253

Jeffrey M. Zirger,
*Lead, Information Collection Review Office,
 Office of Scientific Integrity, Office of Science,
 Centers for Disease Control and Prevention.*
 [FR Doc. 2021-14224 Filed 7-1-21; 8:45 am]
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry

Center for State, Tribal, Local, and Territorial Support (CSTLTS), CDC/ATSDR Tribal Consultation Session

AGENCY: Centers for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry

(ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR), announces the 2021 CDC/ATSDR Tribal Consultation Session. CDC/ATSDR will host American Indian and Alaska Native (AI/AN) Federally Recognized Tribes for the virtual tribal consultation session. The proceedings will be open to the public.

DATES: The tribal consultation will be held on August 5, 2021, from 3:15 p.m. to 5:00 p.m., EDT. Written tribal testimony is due by 5:00 p.m., EDT, on September 7, 2021.

ADDRESSES: Zoom Virtual Tribal Consultation. To register, see CDC web page <https://cdc.zoomgov.com/meeting/register/vJl5fu-gqDgsGD1rTre7HPjbXyIF3v5jSp4>. All elected tribal officials are

encouraged to submit written tribal testimony to the contact person and mailing address listed below or by email at Tribalsupport@cdc.gov.

FOR FURTHER INFORMATION CONTACT: Captain Karen Hearod, MSW, LCSW, Director, Office of Tribal Affairs and Strategic Alliances, Center for State, Tribal, Local, and Territorial Support, CDC, 1600 Clifton Road NE, Mailstop V18-4, Atlanta, GA 30329-4027; Telephone: (404) 498-0300; Email: Tribalsupport@cdc.gov.

SUPPLEMENTARY INFORMATION: This meeting is being held in accordance with Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of November 5, 2009, and September 23, 2004, Consultation and Coordination with Indian Tribal Governments.

Purpose: The purpose of the consultation meeting is to advance CDC/ATSDR support for and collaboration

with AI/AN tribal nations and to improve the health of AI/AN tribal nations by pursuing goals that include assisting in eliminating the health disparities faced by AI/AN tribal nations; ensuring that access to critical health and human services and public health services is maximized to advance or enhance the social, physical, and economic status of AI/AN people; and promoting health equity for all Indian people and communities. To advance these goals, CDC/ATSDR conducts government-to-government consultations with elected tribal officials or their authorized representatives. Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties that leads to mutual understanding.

Matters To Be Considered: CDC/ATSDR is hosting this meeting to hold a consultation with federally recognized tribal nations to receive input and guidance on improving the current CDC/ATSDR Tribal Consultation Policy. CDC/ATSDR is seeking feedback on how the agency can improve its policies and practices to better engage with Indian Country through meaningful consultation. This feedback will be used to edit the current CDC's Consultation Policy. The Tribal consultation session will provide opportunities for elected AI/AN tribal officials to speak openly about the public health issues affecting their tribal nations. This consultation session is virtual and open to the public. Elected tribal officials can find guidance to assist in developing tribal testimony for CDC/ATSDR at <https://www.cdc.gov/tribal/documents/consultation/Tribal-Testimony-Guidance.pdf>. Please submit tribal testimony on official tribal letterhead.

Based on the number of elected tribal officials giving testimony and the time available, it may be necessary to limit the time for each presenter. We will adjourn tribal consultation meetings early if all attendees who requested to provide oral testimony in advance of and during the consultation have delivered their comments. Agenda items are subject to change as priorities dictate.

Additional information about CDC/ATSDR's Tribal Consultation Policy can be found at <https://www.cdc.gov/tribal/consultation-support/tribal-consultation/policy.html>.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal**

Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021-14205 Filed 7-1-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC-2021-0034]

Advisory Committee on Immunization Practices (ACIP); Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee on Immunization Practices (ACIP); June 23, 2021, from 10:00 a.m. to 5:00 p.m., EDT (times subject to change); June 24, 2021, from 10:30 a.m. to 5:10 p.m., EDT (times subject to change); and June 25, 2021, from 10:00 a.m. to 12:20 p.m., EDT (times subject to change), in the amended FRN. The virtual meeting was published in the **Federal Register** on Wednesday, June 23, 2021, Volume 86, Number 118, pages 32933-32934.

The virtual meeting is being amended to update the meeting times on June 23-25, 2021 (times subject to change) and matters to be considered and should read as follows:

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: <http://www.cdc.gov/vaccines/acip/index.html>.

DATES: The meeting will be held on June 23, 2021, from 11:00 a.m. to 4:00 p.m., EDT (times subject to change); June 24, 2021, from 10:00 a.m. to 5:15 p.m., EDT (times subject to change); and June 25, 2021, from 10:00 a.m. to 1:00 p.m., EDT (times subject to change). Written comments must be received on or before June 25, 2021.

A notice of this ACIP meeting has also been posted on CDC's ACIP website at: <http://www.cdc.gov/vaccines/acip/>

[index.html](#). In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about ACIP.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS-H24-8, Atlanta, GA 30329-4027; Telephone: 404-639-8367; Email: ACIP@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on COVID-19, dengue vaccine, herpes zoster vaccines, influenza vaccines, pneumococcal vaccine, and rabies vaccine.

Recommendation votes on dengue vaccine, influenza vaccines and rabies vaccine are scheduled. Vaccines for Children (VFC) votes on dengue vaccine and influenza vaccines are scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit <https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html>.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021-14203 Filed 7-1-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10531]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 31, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:
Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10531 Transcatheter Valve Therapy (TVT) Registry

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Transcatheter Valve Therapy (TVT) Registry; *Use:* The data collection is required by the Centers for Medicare & Medicaid Services (CMS) National Coverage Determination (NCD) entitled, "Transcatheter Edge-to-Edge Repair (TEER) for Mitral Valve Regurgitation" and was previously entitled "Transcatheter Mitral Valve Repair (TMVR)". Effective January 19, 2021, CMS updated this NCD to expand coverage to functional mitral regurgitation (MR). Previously, coverage was limited to degenerative MR. To more precisely define the treatment

addressed in this NCD, we replaced the term TMVR with TEER. The TEER device is only covered when specific conditions are met including that the heart team and hospital are submitting data in a prospective, national, audited registry. The data includes patient, practitioner and facility level variables that predict outcomes such as all-cause mortality and quality of life. In order to remove the data collection requirement under this coverage with evidence development (CED) NCD or make any other changes to the existing policy, we must formally reopen and reconsider the policy. We are continuing to review and analyze the data collected since the original NCD was effective in 2014 and following the update in 2021.

The data collected and analyzed in the TVT Registry will be used by CMS to determine if TEER is reasonable and necessary (*e.g.*, improves health outcomes) for Medicare beneficiaries under Section 1862(a)(1)(A) of the ACT. Furthermore, data from the Registry will assist the medical device industry and the Food and Drug Administration (FDA) in surveillance of the quality, safety and efficacy of new medical devices to treat MR. *Form Number:* CMS–10531 (OMB control number: 0938–1274); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 8,649; *Total Annual Responses:* 34,596; *Total Annual Hours:* 12,974. (For policy questions regarding this collection contact Sarah Fulton at 410–786–2749.)

Dated: June 28, 2021

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–14162 Filed 7–1–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10769]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect

information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 2, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each

proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Evaluation of the Centers for Medicare & Medicaid Services (CMS) Network of Quality Improvement and Innovation Contractors (NQIIC); *Use:* The purpose of this Information Collection Request (ICR) is to collect data using telephone surveys to inform the program evaluation of the CMS NQIIC initiative. The purpose of NQIIC is to support quality improvement efforts across settings and programs for maximum impact to health care and value to taxpayers in a manner that aligns with CMS' and Department of Health and Human Services (HHS) priorities. The NQIIC quality improvement efforts involve the QIN-QIO Program, which is one of the largest federal programs dedicated to improving health quality for Medicare beneficiaries.

CMS evaluates the quality and effectiveness of the QIN-QIO Program as authorized in Part B of Title XI of the Social Security Act. This ICR is to conduct data collection using surveys with administrators or managers of nursing homes and hospitals. Subsequent to publishing the 60-day **Federal Register** notice on March 9, 2021 (86 FR 13566), CMS conducted pre-testing with nursing home and hospital administrators using cognitive interviews, which provided substantive input from the targeted respondents to make sure that questions are clearly stated and understood as intended. We have made the required changes to questions to optimize response validity before fielding the survey. There was a slight decrease in burden hours. *Form Number:* CMS-10769 (OMB control number: 0938-NEW); *Frequency:* Yearly; *Affected Public:* State and Private Sector (Business or other for-profits); *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours:* 290. (For policy questions regarding this collection, contact Jeff Mokry at 214-767-4021.)

Dated: June 29, 2021.

William N. Parham, III,
Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021-14227 Filed 7-1-21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Assessing the Implementation and Cost of High-Quality Early Care and Education: Field Test, OMB 0970-0499

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to collect new information to use in testing measures of the implementation and costs of high-quality early care and education as part of the project, Assessing the Implementation and Cost of High-Quality Early Care and Education (ECE-ICHQ). The study received approval for a field test to validate and improve the psychometric properties of these measures in November 2019. This request is to add a measure to the approved field test to help further assess the associations between measures of implementation, cost, and quality.

DATES: Comments due within 30 days of publication. OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

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 using the search function.

SUPPLEMENTARY INFORMATION:

Description: ACF seeks approval to collect new information to use in testing measures of the implementation and costs of high-quality early care and education as part of the ECE-ICHQ

project. The project's goal is to create a technically sound and feasible instrument that will provide consistent, systematic measures of the implementation and costs of education and care in center-based settings that serve children from birth to age 5. The resulting measures will inform research, policy, and practice by improving understanding of variations in what

centers do to support quality, their associated costs, and how resources for ECE may be better aligned with expectations for quality. The study received approval for a field test to validate and improve the psychometric properties of these measures in November 2019. For all previously approved materials for this study, see <https://www.reginfo.gov/public/do/>

PRAOMBHistory?ombControlNumber=0970-0499. This request is to add a measure to the approved field test to help further assess the associations between measures of implementation, cost, and quality. The field test and this additional measure will include only remote data collection.

Respondents: Teachers and aids.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total/annual burden (in hours)
Center re-engagement call and roster update for teaching staff survey	80	1	.50	40
Teaching staff survey	1,120	1	.50	560

Estimated Total Annual Burden Hours: 600.

Authority: § 658O(a)(5) as amended by the CCDBG Act of 2014 § 9.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021-14148 Filed 7-1-21; 8:45 am]

BILLING CODE 4184-24-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-D-0420]

Providing Regulatory Submissions in Alternate Electronic Format; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled “Providing Regulatory Submissions in Alternate Electronic Format.” Under the Federal Food, Drug, and Cosmetic Act (FD&C Act), Congress granted FDA the authority to implement the statutory electronic submission requirements in guidance. In response, FDA implemented binding guidance requiring that new drug applications (NDAs), abbreviated new drug applications (ANDAs), certain drug master files (DMFs), certain biologics license applications (BLAs), and certain investigational new drug applications (INDs) be submitted to the Agency in electronic common technical document format. Recognizing that some submissions are exempt from this

requirement and that waivers of the requirement may be granted on a case-by-case basis, the Agency is issuing this guidance to provide recommendations on an alternate electronic format for submissions covered under such exemptions and waivers. This guidance replaces the draft guidance of the same title issued on March 11, 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on July 2, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-0420 for “Providing Regulatory Submissions in Alternate Electronic Format.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available

for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002, or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Dat Doan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3334, Silver Spring, MD 20993-0002, 240-402-8926; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled

“Providing Regulatory Submissions in Alternate Electronic Format.” This guidance provides recommendations on an alternate electronic format for submissions that are covered under an exemption from or granted a waiver of the requirements of section 745A(a) of the FD&C Act (21 U.S.C. 379k-1). These recommendations pertain to the electronic format of content in NDAs, ANDAs, certain DMFs, certain BLAs, and certain INDs submitted to the Center for Drug Evaluation and Research or to the Center for Biologics Evaluation and Research.

This guidance includes information on: (1) How to submit in alternate electronic format (without XML backbone), (2) submission of FDA forms, (3) pre-submission considerations, (4) submission structure, (5) file formats and versions, (6) datasets and study information, (7) transmitting electronic submissions, and (8) receipt dates.

This guidance finalizes the draft guidance of the same title issued on March 11, 2020 (85 FR 14202). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to final guidance include: (1) Minor edits to clarify recommendations for the location of the Table of Contents for the alternate electronic format, (2) an example of the folder structure, and (3) the process for submission if an electronic signature is not possible. In addition, editorial changes were made to improve clarity.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). This final guidance represents FDA’s current thinking on “Providing Regulatory Submissions in Alternate Electronic Format.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB control number 0910-0014; the collections of information in 21 CFR part 314 have been approved under OMB control

number 0910-0001; and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910-0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances>, or <https://www.regulations.gov>.

Dated: June 28, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-14201 Filed 7-1-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2021-N-0008]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Circulatory System Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA’s regulatory issues. The meeting will be open to the public.

DATES: The meeting will take place virtually on August 3, 2021, from 9 a.m. Eastern Time to 6 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of the COVID-19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions, including information regarding special accommodations due to a disability, may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FOR FURTHER INFORMATION CONTACT: Aden Asefa, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 66, Rm. 5214, Silver Spring, MD 20993-0002,

aden.asefa@fda.hhs.gov, 301-796-0400, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On August 3, 2021, the committee will discuss and make recommendations on information regarding the premarket notification (510(k)) submission for the TriGUARD 3 Cerebral Embolic Protection Device. The proposed indication for use for the TriGUARD 3 Cerebral Embolic Protection Device, is as follows:

The TriGUARD 3 Cerebral Embolic Protection Device is designed to minimize the risk of cerebral damage by deflecting embolic debris away from the cerebral circulation during transcatheter aortic valve replacement.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 27, 2021. Oral presentations from the public will be scheduled between approximately 1 p.m. Eastern Time and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should

notify the contact person (see **FOR FURTHER INFORMATION CONTACT**). The notification should include a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 21, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 20, 2021.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at AnnMarie.Williams@fda.hhs.gov or 301-796-5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 28, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-14212 Filed 7-1-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-D-2323]

Assessment of Adhesion for Topical and Transdermal Systems Submitted in New Drug Applications; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft

guidance for industry entitled "Assessment of Adhesion for Topical and Transdermal Systems Submitted in New Drug Applications." Transdermal delivery systems are designed to deliver a drug across the skin and into systemic circulation, whereas topical delivery systems are designed to deliver the drug to local tissue. There is pharmaceutical and other stakeholder interest in the development of new transdermal and topical products, and this guidance provides recommendations on the clinical assessment of adhesion for such products that will be submitted as new drug applications (NDAs) or supplemental new drug applications. This guidance provides additional study design and methodology recommendations on conducting in vivo adhesion studies. This guidance takes these developments into consideration. When final, this draft guidance will expand upon the recommendation for in vivo adhesion studies in section V., Special Topics, subsection A., Product Adhesion Considerations, in the draft guidance for industry Transdermal and Topical Delivery Systems—Product Development and Quality Considerations issued on November 21, 2019.

DATES: Submit either electronic or written comments on the draft guidance by August 31, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the

public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-2323 for “Assessment of Adhesion for Topical and Transdermal Systems Submitted in New Drug Applications.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Margaret Kober, Center for Drug Evaluation and Research (HFD-580), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5376, Silver Spring, MD 20993-0002, 301-796-0934.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled “Assessment of Adhesion for Topical and Transdermal Systems Submitted in New Drug Applications.” This draft guidance provides recommendations on the clinical assessment of the adhesive properties of topical and transdermal delivery systems (collectively referred to as TDS) intended for submission in an NDA or supplemental NDA. The amount of drug delivered into and through the patient’s skin from a TDS is dependent, in part, on the ability of the TDS to remain in direct contact with the skin (adhesive properties). Adhesive properties are clinically important as a loss of TDS adhesion during wear can reduce the amount of drug delivered to the patient, potentially compromising effectiveness. Additionally, partial or full detachment of a TDS from a patient’s skin may result in unintentional exposure of the drug to others, potentially compromising safety. This draft guidance includes key considerations for the design of the TDS adhesion clinical study, including the selection of endpoints and FDA’s current thinking on acceptable adhesion performance in the in vivo setting.

This draft guidance is being issued consistent with FDA’s good guidance

practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on “Assessment of Adhesion for Topical and Transdermal Systems Submitted in New Drug Applications” and will supersede in vivo recommendations in section V., Special Topics in the draft guidance for industry “Transdermal and Topical Delivery Systems—Product Development and Quality Considerations” issued on November 21, 2019 (84 FR 64319). It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 314 have been approved under OMB control number 0910-0001, and the collections of information for the electronic submission of drug establishment registration and drug listing information have been approved under OMB control number 0910-0045.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs> or <https://www.regulations.gov>.

Dated: June 28, 2021.

Lauren K. Roth,
Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-14202 Filed 7-1-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-D-0938]

Evaluating Cancer Drugs in Patients With Central Nervous System Metastases; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled “Evaluating Cancer Drugs in Patients with Central Nervous System Metastases; Guidance for Industry.” The guidance document provides recommendations regarding the design of clinical trials of drugs and biological products regulated by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) that are intended to support product labeling describing the antitumor activity in patients with central nervous system (CNS) metastases from solid tumors originating outside the CNS. The guidance includes study design recommendations regarding the patient population, available therapy, prior therapies, assessment of CNS disease, study endpoints, and leptomeningeal disease. The guidance announced in this notice finalizes the draft guidance of the same title dated August 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on July 2, 2021.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2020-D-0938 for “Evaluating Cancer Drugs in Patients with Central Nervous System Metastases.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- *Confidential Submissions—*To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the

docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Shanthi Marur, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2369, Silver Spring, MD 20993-0002, 240-402-6373; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled “Evaluating Cancer Drugs in Patients with Central Nervous System Metastases.” This guidance provides recommendations for sponsors designing clinical trials of drugs and biological products regulated by CDER and CBER that are intended to support product labeling describing the antitumor activity in patients with CNS metastases from solid tumors originating outside the CNS. Specifically, the guidance includes recommendations regarding the patient population, available therapy, prior therapies, assessment of CNS disease, study endpoints, and leptomeningeal disease. The guidance describes that CNS metastases should be evaluated in the context of the entire disease burden and discusses how treatment effects may be described in drug labeling. The recommendations pertain to clinical trials for systemic anticancer drugs where patients with CNS metastases are included in the study population. These recommendations are also applicable to

trials conducted exclusively in patients with CNS metastases.

CNS metastases are associated with significant morbidity and mortality and development of therapeutic products for patients with CNS metastases is needed. FDA has participated in efforts to facilitate drug development for patients with CNS metastases, including a March 2019 “Workshop on Product Development for CNS Metastases.” Stakeholders at this meeting stated there is a need for further FDA guidance on specific topics, including identifying optimal study endpoints. Study design challenges for CNS metastases include uncertainty regarding optimal endpoints, lack of standardized response assessments, understanding how CNS metastases are evaluated in the context of the entire burden of metastatic disease to characterize a drug’s potential benefit (e.g., timing of CNS radiographic assessments relative to other sites of metastases), and interpreting radiographic response in the setting of recent radiation therapy or surgery. This guidance is intended to provide recommendations on these study design challenges.

In the **Federal Register** of August 27, 2020 (85 FR 53007), FDA announced the availability of the draft guidance “Evaluating Cancer Drugs in Patients with Central Nervous System Metastases” dated August 2020. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. A summary of changes includes: Clarification on the number of stratification factors the protocol should specify in order to minimize bias, confirmation of the version of Response Evaluation Criteria in Solid Tumours (RECIST) that should be referred to when evaluating CNS disease, clarification that both CNS and systematic duration of response should be captured and the addition of a 6-month timepoint, and the addition of progression-free survival in patients with brain metastasis as another measurement to be reported when CNS is a common metastatic site. In addition, editorial changes were made to improve clarity. The guidance announced in this notice finalizes the draft guidance dated August 27, 2020.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Evaluating Cancer Drugs in Patients with Central Nervous System Metastases.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if

it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR part 601 have been approved under 0910–0338; and the collections of information in 21 CFR 201.56 and 201.57 have been approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances> or <https://www.regulations.gov>.

Dated: June 28, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–14194 Filed 7–1–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0026]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that RYPLAZIM

(plasminogen, human-tvmh), manufactured by Prometic Bioproduction, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT:

Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that RYPLAZIM (plasminogen, human-tvmh), manufactured by Prometic Bioproduction, Inc., meets the criteria for a priority review voucher. RYPLAZIM (plasminogen, human-tvmh) is indicated for the treatment of patients with plasminogen deficiency type 1 (hypoplasminogenemia).

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to <https://www.fda.gov/industry/developing-products-rare-diseases-conditions/rare-pediatric-disease-rpd-designation-and-voucher-programs>. For further information about RYPLAZIM (plasminogen, human-tvmh), go to the Center for Biologics Evaluation and Research Cellular and Gene Therapy Products website at <https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products>.

Dated: June 25, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–14191 Filed 7–1–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV Vaccine Research and Design (HIVRAD) Program (P01 Clinical Trial Not Allowed).

Date: July 29, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11A, Rockville, MD 20852, 240-669-5045, sundstromj@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 28, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-14173 Filed 7-1-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. This meeting is a virtual meeting and is open to the public. Written comments will be accepted and registration is required to present oral comments. Information about the

meeting and registration are available at <https://ntp.niehs.nih.gov/go/165>.

DATES:

Meeting: Scheduled for August 4, 2021, 12:30 p.m.–5:00 p.m. Eastern Daylight Time (EDT).

Written Public Comment

Submissions: Deadline is July 28, 2021.

Registration for Oral Comments: Deadline is July 28, 2021.

ADDRESSES:

Meeting web page: The preliminary agenda, registration, and other meeting materials are available at <https://ntp.niehs.nih.gov/go/165>.

Virtual Meeting: The URL for viewing the virtual meeting will be provided on the meeting web page the day before the meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Sheena Scruggs, Designated Federal Official for the BSC, Office of Policy, Review, and Outreach, Division of NTP, NIEHS, P.O. Box 12233, K2-03, Research Triangle Park, NC 27709. Phone: 984-287-3355, Fax: 301-451-5759, Email: sheena.scruggs@nih.gov. Hand Deliver/Courier address: 530 Davis Drive, Room K2126, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION: The BSC will provide input to the NTP on programmatic activities and issues. The preliminary agenda topics include presentations from two of the Division of the National Toxicology Program (DNTP)'s research program areas. The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting web page (<https://ntp.niehs.nih.gov/go/165>) or may be requested in hardcopy from the Designated Federal Official for the BSC. Following the meeting, summary minutes will be prepared and made available on the BSC meeting web page.

Meeting Attendance Registration: The meeting is open to the public with time scheduled for oral public comments. Registration is not required to view the virtual meeting; the URL for the virtual meeting is provided on the BSC meeting web page (<https://ntp.niehs.nih.gov/go/165>) the day before the meeting. TTY users should contact the Federal TTY Relay Service at 800-877-8339. Requests should be made at least five business days in advance of the event.

Written Public Comments: NTP invites written public comments. Guidelines for public comments are available at https://ntp.niehs.nih.gov/about_ntp/guidelines_public_comments_508.pdf.

The deadline for submission of written comments is July 28, 2021.

Written public comments should be submitted through the meeting web page. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP web page, and the submitter will be identified by name, affiliation, and sponsoring organization (if any).

Oral Public Comment Registration:

The agenda allows for two formal public comment periods—one comment period for each program area (up to 3 commenters, up to 5 minutes per speaker, per topic). Persons wishing to make an oral comment are required to register online at <https://ntp.niehs.nih.gov/go/165> by July 28, 2021. Oral comments will be received only during the formal comment periods indicated on the preliminary agenda. Oral comments will only be by teleconference line. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Registration is on a first-come, first-served basis. Each organization is allowed one time slot per topic. After the maximum number of speakers per comment period is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. Commenters will be notified approximately one week before the meeting about the actual time allotted per speaker.

If possible, oral public commenters should send a copy of their slides and/or statement or talking points to NTP-Meetings@icf.com by July 28, 2021.

Meeting Materials: The preliminary meeting agenda is available on the meeting web page (<https://ntp.niehs.nih.gov/go/165>) and will be updated one week before the meeting. Individuals are encouraged to access the meeting web page to stay abreast of the most current information regarding the meeting.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, epidemiology, risk assessment, carcinogenesis, mutagenesis, cellular

biology, computational toxicology, neurotoxicology, genetic toxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets periodically. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended.

The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

Dated: June 29, 2021.

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2021-14238 Filed 7-1-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of 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 Mental Health Special Emphasis Panel; From Genomic Association to Causation: A Convergent Neuroscience Approach for Neuropsychiatric Disorders (U19).

Date: July 28, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd, Room 6140, MSC 9608, Bethesda, MD 20892-9608, 301-443-9734, millerda@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: June 29, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-14222 Filed 7-1-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2020-0016]

Meetings To Implement Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Announcement of meetings.

SUMMARY: The Federal Emergency Management Agency (FEMA) is holding a series of meetings to implement the Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic.

DATES: The schedule for these meetings is as follows:

- The first meeting took place on Tuesday, June 22, 2021, from 2 to 4 p.m. Eastern Time (ET).
- The second meeting took place on Wednesday, June 23, 2021, from 11 a.m. to 1 p.m. ET.
- The third meeting took place on Tuesday, June 29, 2021, from 2 to 4 p.m. ET.
- The fourth meeting took place on Thursday, July 1, 2021, from 2 to 4 p.m. ET.
- The fifth meeting will take place on Tuesday, July 20, 2021, from 11 a.m. to 1 p.m. ET.
- The sixth meeting will take place on Thursday, July 22, 2021, from 2 to 4 p.m. ET.
- The seventh meeting will take place on Tuesday, August 3, 2021, from 11 a.m. to 1 p.m. ET.
- The eighth meeting will take place on Thursday, August 5, 2021, from 2 to 4 p.m. ET.

FOR FURTHER INFORMATION CONTACT:

Robert Glenn, Office of Business, Industry, Infrastructure Integration, via email at OB3I@fema.dhs.gov or via phone at (202) 212-1666.

SUPPLEMENTARY INFORMATION: Notice of these meetings is provided as required by section 708(h)(8) of the Defense Production Act (DPA), 50 U.S.C. 4558(h)(8), and consistent with 44 CFR part 332.

The DPA authorizes the making of “voluntary agreements and plans of action” with representatives of industry, business, and other interests to help provide for the national defense.¹ The President’s authority to facilitate voluntary agreements with respect to responding to the spread of COVID-19 within the United States was delegated to the Secretary of Homeland Security in Executive Order 13911.² The Secretary of Homeland Security further delegated this authority to the FEMA Administrator.³

On August 17, 2020, after the appropriate consultations with the Attorney General and the Chairman of the Federal Trade Commission, FEMA completed and published in the **Federal Register** a “Voluntary Agreement, Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic” (Voluntary Agreement).⁴ Unless terminated earlier, the Voluntary Agreement is effective until August 17, 2025, and may be extended subject to additional approval by the Attorney General after consultation with the Chairman of the Federal Trade Commission. The Agreement may be used to prepare for or respond to any pandemic, including COVID-19, during that time.

On December 7, 2020, the first plan of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Personal Protective Equipment (PPE) to Respond to COVID-19 (PPE Plan of Action)—was finalized.⁵ The PPE Plan of Action established several sub-committees under the Voluntary Agreement, focusing on different aspects of the PPE Plan of Action.

On May 24, 2021, four additional plans of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Diagnostic Test Kits and other Testing Components to respond to COVID-19, the Plan of Action to

¹ 50 U.S.C. 4558(c)(1).

² 85 FR 18403 (Apr. 1, 2020).

³ DHS Delegation 09052, Rev. 00.1 (Apr. 1, 2020); DHS Delegation Number 09052 Rev. 00 (Jan. 3, 2017).

⁴ 85 FR 50035 (Aug. 17, 2020). The Attorney General, in consultation with the Chairman of the Federal Trade Commission, made the required finding that the purpose of the voluntary agreement may not reasonably be achieved through an agreement having less anticompetitive effects or without any voluntary agreement and published the finding in the **Federal Register** on the same day. 85 FR 50049 (Aug. 17, 2020).

⁵ See 85 FR 78869 (Dec. 7, 2020). See also 85 FR 79020 (Dec. 8, 2020).

Establish a National Strategy for the Manufacture, Allocation, and Distribution of Drug Products, Drug Substances, and Associated Medical Devices to respond to COVID-19, the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Medical Devices to respond to COVID-19, and the Plan of Action to Establish a National Strategy for the Manufacture, Allocation, and Distribution of Medical Gases to respond to COVID-19—were finalized.⁶ These plans of action established several sub-committees under the Voluntary Agreement, focusing on different aspects of each plan of action.

The meetings are chaired by the FEMA Administrator or her delegate and attended by the Attorney General and the Chairman of the Federal Trade Commission or their delegates. In implementing the Voluntary Agreement, FEMA adheres to all procedural requirements of 50 U.S.C. 4558 and 44 CFR part 332.

Meeting Objectives: The objectives of the meetings are as follows:

1. Gather committee Participants and Attendees to ask targeted questions for situational awareness about PPE, drug products and drug substances, diagnostic test kits, medical devices, and medical gases.
2. Establish priorities for COVID-19 response under the Voluntary Agreement.
3. Identify tasks that should be completed under the appropriate Sub-Committee.
4. Identify information gaps and areas that merit sharing (both from FEMA to the private sector and vice versa).

Meetings Closed to the Public: By default, the DPA requires meetings held to implement a voluntary agreement or plan of action be open to the public.⁷ However, attendance may be limited if the Sponsor⁸ of the voluntary agreement finds that the matter to be discussed at a meeting falls within the purview of matters described in 5 U.S.C. 552b(c), such as trade secrets and commercial or financial information. The Sponsor of the Voluntary Agreement, the FEMA Administrator, found that these meetings to implement the Voluntary Agreement involve matters which fall within the purview of matters described in 5 U.S.C. 552b(c)

and the meetings are therefore closed to the public.

Specifically, these meetings to implement the Voluntary Agreement may require participants to disclose trade secrets or commercial or financial information that is privileged or confidential. Disclosure of such information allows for meetings to be closed pursuant to 5 U.S.C. 552b(c)(4). In addition, the success of the Voluntary Agreement depends wholly on the willing and enthusiastic participation of private sector participants. Failure to close these meetings could have a strong chilling effect on private sector participation and cause a substantial risk that sensitive information will be prematurely released to the public, leading to participants withdrawing their support from the Voluntary Agreement. This would significantly frustrate the implementation of the Voluntary Agreement. Frustration of an agency's objective due to premature disclosure of information allows for the closure of a meeting pursuant to 5 U.S.C. 552b(c)(9)(B).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021-14251 Filed 7-1-21; 8:45 am]

BILLING CODE 9111-19-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7038-N-09]

60-Day Notice of Proposed Information Collection: FHA Catalyst: Multifamily Application Portal, OMB Control No.: 2502-0620

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 31, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management

Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA Catalyst: Multifamily Application Portal.

OMB Approval Number: 2502-0620.

OMB Expiration Date: 5/31/2021.

Type of Request: Extension of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Department of Housing and Urban Development (HUD)/Federal Housing Administration's (FHA) Office of Multifamily Housing Programs (MFH) has developed a web-based portal for FHA-approved multifamily lenders to submit applications for FHA multifamily mortgage insurance to HUD electronically. The *FHA Catalyst: Multifamily Application Portal* ("FHA Catalyst"), was released in fall 2020 to aid in the collection of information for FHA multifamily mortgage insurance program applications. The National Housing Act (12 U.S.C. 1701 *et seq.*) and implementing regulations at 24 CFR parts 200-266 authorize HUD/FHA to administer the multifamily mortgage insurance programs. The specific authority to require a mortgage insurance application is found at 24 CFR 200.45(b): "[a]n application for a firm commitment must be made by an approved mortgagee for any project for

⁶ See 86 FR 27894 (May 24, 2021). See also 86 FR 28851 (May 28, 2021).

⁷ See 50 U.S.C. 4558(h)(7).

⁸ "[T]he individual designated by the President in subsection (c)(2) [of section 708 of the DPA] to administer the voluntary agreement, or plan of action." 50 U.S.C. 4558(h)(7).

which a mortgagor seeks mortgage insurance under the Act.”

FHA Catalyst allows FHA-approved multifamily lenders to submit electronic applications for FHA multifamily mortgage insurance and related documents to HUD through a web-based portal, and HUD staff are able to receive and download the documents from the portal. The system is designed to streamline existing processes for collecting information to administer FHA multifamily mortgage insurance programs; no new information will be collected as a result of *FHA Catalyst*. Prior to the COVID-19 pandemic, multifamily lenders submitted applications to HUD in USB and hard copy format via mail. Due to the pandemic, multifamily lenders are currently submitting electronic applications using various online file-sharing platforms (e.g., Dropbox) as a short-term solution. *FHA Catalyst* provides multifamily lenders and MFH with a central, secure portal and long-term solution for online application submissions that will be used for the duration of the COVID-19 pandemic and beyond. Hard copies and/or removable USB drives will no longer be required for applications submitted through *FHA Catalyst* once *FHA Catalyst* becomes mandatory.

Respondents (i.e., affected public): Business or other for-profit; individuals or households; not-for-profit intuitions; state, local, or tribal government.

Estimated Number of Respondents: 741.

Estimated Number of Responses: 741.

Frequency of Response: 1.

Average Hours per Response: 1.

Total Estimated Burden: 741.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Janet M. Golrick,

Acting, Chief of Staff for the Office of Housing, Federal Housing Administration.

[FR Doc. 2021-14146 Filed 7-1-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6275-N-01]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts: Revision of Effective Date for 2019 and 2020 Designations

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: This document revises the effective date for designations of “Difficult Development Areas” (DDAs) and “Qualified Census Tracts” (QCTs) for purposes of the Low-Income Housing Tax Credit (LIHTC) under Internal Revenue Code (IRC) Section 42 (26 U.S.C. 42) published on October 22, 2018, (83 FR 53282) and September 25, 2019, (84 FR 50465) in response to the Presidentially-declared COVID-19 emergency. This notice extends from 730 days to 910 days the period for which the 2019 and 2020 lists of QCTs and DDAs are effective for projects (1) located in an area not on subsequent lists of DDAs or QCTs; and (2) that submitted applications while the area was a 2019 or 2020 QCT or DDA.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Senior Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW, Room 8234, Washington, DC 20410-6000; telephone number (202) 402-5878, or send an email to Michael.K.Hollar@hud.gov. For specific legal questions, contact Branch 5, Office of the Associate Chief Counsel, Passthroughs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224; telephone number (202) 317-4137, fax number (855) 591-7867. (These are not toll-free telephone

numbers.) Additional copies of this notice are available through HUD User at (800) 245-2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about DDAs and QCTs are available electronically on the internet at <http://www.huduser.org/datasets/qct.html>.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 2020, the President issued major disaster declarations under the authority of the Stafford Act with respect to all 50 States, the District of Columbia, and 5 territories (American Samoa, Guam, Puerto Rico, Northern Mariana Islands, and the U.S. Virgin Islands) to assist with additional needs identified under the nationwide emergency declaration for COVID-19. In the context of a Presidentially-declared Major Disaster, IRS Revenue Procedure 2014-49, 2014-37 I.R.B. 535, provides temporary relief to housing finance agencies (HFAs) and owners from certain requirements of IRC Section 42. Among the relief provided, if an owner has a carryover allocation for a building located in a Major Disaster Area and the Major Disaster occurs on or after the date of the carryover allocation, an HFA may grant an extension to the placed-in-service requirement. Rev. Proc. 2014-49, Section 6.03. This extension applies only to properties receiving IRC Section 42 allocated credits and does not apply or provide relief to properties receiving credits associated with IRC Section 142 tax-exempt bond revenue. HUD is revising the effective date of the 2019 and 2020 QCTs and DDAs at this time to aid the ability of areas affected by COVID-19 to place in service affordable housing under both Section 42 and Section 142.

I. This Notice

This notice extends from 730 days to 910 days the period for which the 2019 and 2020 lists of QCTs and DDAs are effective for projects that are not located in areas on subsequent lists of DDAs or QCTs but submitted applications while the area was a 2019 or 2020 QCT or DDA. HUD published lists of DDAs and QCTs for 2019 on October 22, 2018 (83 FR 53282); for 2020 on September 25, 2019 (84 FR 50465); and for 2021 on September 24, 2020 (85 FR 60255). The actual designations of 2019 and 2020 QCTs and DDAs are not affected by this notice. HUD is revising the effective date of the 2019 and 2020 QCTs and DDAs at this time to aid the ability of areas affected by COVID-19 to place in service affordable housing.

II. Extension of 2019 DDA and QCT Designations

For LIHTC and bond-financed projects, the sections entitled “Effective Date” and “Interpretive Examples of Effective Date” of the 2019 DDA and QCT designations as published October 22, 2018 (83 FR 53282) are hereby revised to read as follows:

Effective Date

The 2019 lists of QCTs and DDAs are effective:

(1) For allocations of credit after December 31, 2018; or

(2) for purposes of IRC section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2018.

If an area is not on a subsequent list of DDAs, the 2019 lists are effective for the area if:

(1) The allocation of credit to an applicant is made no later than the end of the 910-day period after the applicant submits a complete application to the LIHTC-allocating agency, and the submission is made before the effective date of the subsequent lists; or

(2) for purposes of IRC section 42(h)(4), if:

(a) The bonds are issued or the building is placed in service no later than the end of the 910-day period after the applicant submits a complete application to the bond-issuing agency, and

(b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A “complete application” means that no more than de minimis clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a “multiphase project,” the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the first of the following occurred: (a) The building(s) in the first phase were placed in service, or (b) the bonds were issued.

For purposes of this notice, a “multiphase project” is defined as a set

of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) The multiphase composition of the project (*i.e.*, total number of buildings and phases in project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) The aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the Qualified Allocation Plan (QAP) of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over two or more years; and

(3) All applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary’s designee, has legal authority to designate DDAs and QCTs, in accordance with 26 U.S.C. 42(d)(5), by publishing lists of geographic entities as defined by, in the case of DDAs, the Census Bureau, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose DDA status. The examples covering DDAs are equally applicable to QCT designations.

(*Case A*) Project A is located in a 2019 DDA that is NOT a designated DDA in 2020, 2021, or 2022. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2019. Credits are allocated to Project A on January 30, 2022. Project A is eligible for the increase in basis accorded a project in a 2019 DDA because the application was filed BEFORE January 1, 2020 (the effective date for the 2020 DDA lists), and because tax credits were allocated no later than the end of the 910-day period after the filing of the complete application for an allocation of tax credits.

(*Case B*) Project B is located in a 2019 DDA that is NOT a designated DDA in 2020, 2021, or 2022. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2019. Credits are allocated to Project B on June 30, 2022. Project B is NOT eligible for the increase in basis accorded a project in a 2019 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2020 (the effective date of the 2020 DDA lists), the tax credits were allocated later than the end of the 910-day period after the filing of the complete application.

(*Case C*) Project C is located in a 2019 DDA that was not a DDA in 2018. Project C was placed in service on November 15, 2018. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2019. The bonds that will support the permanent financing of Project C are issued on September 30, 2019. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2019 DDA, because the project was placed in service BEFORE January 1, 2019.

(*Case D*) Project D is located in an area that is a DDA in 2019, but is NOT a DDA in 2020, 2021, or 2022. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2019. Bonds are issued for Project D on January 30, 2022, but Project D is not placed in service until July 30, 2022. Project D is eligible for the increase in basis available to projects located in 2019 DDAs because: (1) One of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on January 30, 2022, within the 910-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the

location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

Extension of 2020 DDA and QCT Designations

For LIHTC and bond-financed projects, the sections entitled “Effective Date” and “Interpretive Examples of Effective Date” of the 2020 DDA and QCT designations as published September 25, 2019 (84 FR 50465) are hereby revised to read as follows:

Effective Date

The 2020 lists of QCTs and DDAs are effective:

(1) For allocations of credit after December 31, 2019; or

(2) for purposes of IRC section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2019.

If an area is not on a subsequent list of DDAs, the 2020 lists are effective for the area if:

(1) The allocation of credit to an applicant is made no later than the end of the 910-day period after the applicant submits a complete application to the LIHTC-allocating agency, and the submission is made before the effective date of the subsequent lists; or

(2) for purposes of IRC section 42(h)(4), if:

(a) The bonds are issued or the building is placed in service no later than the end of the 910-day period after the applicant submits a complete application to the bond-issuing agency, and

(b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A “complete application” means that no more than de minimis clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a “multiphase project,” the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which

applied when the first of the following occurred: (a) The building(s) in the first phase were placed in service, or (b) the bonds were issued.

For purposes of this notice, a “multiphase project” is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) The multiphase composition of the project (*i.e.*, total number of buildings and phases in project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) The aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the Qualified Allocation Plan (QAP) of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over two or more years; and

(3) All applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary’s designee, has legal authority to designate DDAs and QCTs, in accordance with 26 U.S.C. 42(d)(5), by publishing lists of geographic entities as defined by, in the case of DDAs, the Census Bureau, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including **Federal Register** notices published by HUD for purposes of designating DDAs and QCTs. Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose DDA status. The examples covering DDAs are equally applicable to QCT designations.

(Case A) Project A is located in a 2020 DDA that is NOT a designated DDA in 2021, 2022, or 2023. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2020. Credits are allocated to Project A on January 30, 2023. Project A is eligible for the increase in basis accorded a project in a 2020 DDA because the application was filed BEFORE January 1, 2021 (the effective date for the 2021 DDA lists), and because tax credits were allocated no later than the end of the 910-day period after the filing of the complete application for an allocation of tax credits.

(Case B) Project B is located in a 2020 DDA that is NOT a designated DDA in 2021, 2022, or 2023. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2020. Credits are allocated to Project B on June 30, 2023. Project B is NOT eligible for the increase in basis accorded a project in a 2020 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2021 (the effective date of the 2021 DDA lists), the tax credits were allocated later than the end of the 910-day period after the filing of the complete application.

(Case C) Project C is located in a 2020 DDA that was not a DDA in 2019. Project C was placed in service on November 15, 2019. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2020. The bonds that will support the permanent financing of Project C are issued on September 30, 2020. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2020 DDA, because the project was placed in service BEFORE January 1, 2020.

(Case D) Project D is located in an area that is a DDA in 2020, but is NOT a DDA in 2021, 2022, or 2023. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2020. Bonds are issued for Project D on January 30, 2023, but Project D is not placed in service until July 30, 2023. Project D is eligible for the increase in basis available to projects located in 2020 DDAs because: (1) One of the two events necessary for

triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on January 30, 2023, within the 910-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

Findings and Certifications

A. Environmental Impact

This notice involves the establishment of fiscal requirements or procedures that are related to rate and cost determinations and do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD's regulations, this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

B. Federalism Impact

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any policy document that has federalism implications if the document either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the executive order. This notice merely designates DDAs and QCTs as required under IRC Section 42, as amended, for the use by political subdivisions of the states in allocating the LIHTC. As a result, this notice is not subject to review under the order.

Kurt G. Usowski,

Deputy Assistant Secretary for Economic Affairs.

[FR Doc. 2021-14235 Filed 7-1-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7038-N-11; OMB Control No. 2502-0554]

60-Day Notice of Proposed Information Collection: Request for Prepayment of Section 202 or 202/8 Direct Loan Project

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 31, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877-8339 (this is a toll-free number).

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at Colette.Pollard@hud.gov or telephone 202-402-3400 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the 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. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Request for Prepayment of Section 202 or 202/8 Project. *OMB Approval Number:* 2502-0554.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: HUD-9808.

Description of the need for the information and proposed use: The Owner must execute the Section 202 Prepayment Use Agreement provided as Attachment 1 to this Notice that will ensure the continued operation of the project until at least 20 years following the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement. The Use Agreement must be executed by the Owner and the Department and recorded upon HUD's approval of the prepayment transaction.

Respondents (i.e., affected public): Business, Not for profit institutions.

Estimated Number of Respondents: 1,566.

Estimated Number of Responses: 1,566.

Frequency of Response: On occasion.

Average Hours per Response: 1 hours.

Total Estimated Burdens: 1,566.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Janet M. Golrick,

Acting, Chief of Staff for the Office of Housing—Federal Housing Administration.

[FR Doc. 2021–14136 Filed 7–1–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6268–N–01]

Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2021

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2021 and ending on March 31, 2021.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410–0500, telephone 202–708–3055 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2021.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- a. Identify the project, activity, or undertaking involved;
- b. Describe the nature of the provision waived and the designation of the provision;
- c. Indicate the name and title of the person who granted the waiver request;
- d. Describe briefly the grounds for approval of the request; and
- e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2021 through March 31, 2021. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Additionally, this notice includes waivers made pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES Act), not previously published in the **Federal Register**. These waivers are listed separately from other individual waivers within each program office grouping, as CARES Act waivers broadly covered all affected parties rather than individual, case-by-case situations. The lists include additional Memoranda and Notices issued regarding broad CARES Act waivers provided by HUD since the enactment of the Act on March 27, 2020. In addition, the lists provide a short, two- or three-line description of each memo or notice, identifying the specific CARES Act authority and purpose of the waivers addressed therein.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2021) before the next report is published (the second quarter of calendar year 2021), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Sasha Samberg-Champion,

Deputy General Counsel for Enforcement and Fair Housing.

Appendix**Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2021 Through March 31, 2021**

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory Waivers Granted by the Office of Community Planning and

- Development
- II. Regulatory Waivers Granted by the Office of Housing
- III. Regulatory Waivers Granted by the Office of Public and Indian Housing

Regulatory Waivers Granted by the Office of Community Planning and Development (CPD)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 91.105(b)(4), (c)(2), and (k); 24 CFR 91.115(b)(4), (c)(2), and (i); and 24 CFR 91.401.

Project/Activity: Any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see FEMA-DR-4586) seeking to expedite action in response to the 2021 Texas Severe Winter Weather, upon notification to the Community Planning and Development Director in its respective HUD Field Office.

Nature of Requirement: The regulations at 24 CFR 91.105(b)(4), (c)(2) and (k); 24 CFR 91.115(b)(4), (c)(2), and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: Several Texas CPD grantees were affected by severe winter weather that hit the state beginning February 11, 2021. As a result of substantial property loss and destruction, many individuals and families residing in the declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. Some individuals and families continued to live in homes with habitability deficits, particularly related to potable water. A Presidentially-declared disaster declaration was issued on February 19, 2021, (FEMA-DR-4586) and further amended through February 25, 2021; for the Texas severe winter weather. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: James E. Höemann, Director, Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh

Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-5716.

- *Regulation:* 24 CFR 570.201(e)(1) or (2) and 24 CFR 570.207(b)(4).

Project/Activity: Any CDBG Entitlement grantee assisting persons and families who have registered with FEMA in connection with the severe winter weather in Texas upon notification by the grantee to the Community Planning and Development Director in its respective HUD Field Office.

Nature of Requirement: The regulations at 24 CFR 570.201(e) and 24 CFR 570.207(b)(4) limit the amount of CDBG funds used for public services to no more than 15 percent of each grant and prohibit the use of CDBG funds for income payments except in the case of emergency grant payments made for up to three consecutive months to a service provider, respectively. Section 105(a)(8) sets forth the limitation of no more than 15 percent of each grant to be used for public services.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: Several CDBG grantees, located within the declared-disaster areas, were affected by the Texas severe winter weather. The waiver granted will allow these grantees to expedite recovery efforts for low and moderate income residents affected by this event; pay for additional support services for affected individuals and families, including, but not limited to, food, health, employment, and case management services to help persons and families impacted by the property loss and destruction caused by the severe winter weather; and enable grantees to pay for the basic daily needs of individuals and families affected by the severe winter weather on an interim basis.

Contact: James E. Höemann, Director, Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-5716.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Oakland, California, Los Angeles County, California, San Diego County, California, and Contra Costa County, California requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by local public housing agency (PHA) for four HOME-assisted project—Redwood Hill Townhomes, Ramona Seniors

Development, Florence Apartments, and Tabora Gardens Senior Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 6, 2021.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project-Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Palmdale, California and the City of Eugene, Oregon requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for two HOME-assisted projects—Market District Commons and Courson Arts Colony.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 6, 2021.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project-Based

Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2864.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: Oakland County, Michigan requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for a HOME-assisted projects—Carriage Place Apartments.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development, D.

Date Granted: January 14, 2021.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project-Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.251.

Project/Activity: Any housing units located in the areas under the major disaster declaration of FEMA-DR-4586 (the “declared-disaster areas”), including the state participating jurisdiction, which were damaged by the disaster and to which HOME funds are committed within two years from the date of approval of the waiver.

Nature of Requirement: The regulation at 24 CFR 92.251 requires that housing assisted with HOME funds meet property standards based on the activity undertaken, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster. The lead housing safety regulations established in 24 CFR part 35 are not waived.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: Several Texas CPD grantees were affected by severe winter weather that hit the state of Texas beginning February 11, 2021. As a result of substantial property loss and destruction, many individuals and families residing in the declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. Some individuals and families continued to live in homes with habitability deficits, particularly related to potable water. The President issued a disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the Texas severe winter weather on February 19, 2021, (FEMA-DR-4586), and further amended it through February 25, 2021. The waiver is required to allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Participating jurisdictions located in the counties included in the declared-disaster areas in FEMA-DR-4586 that are assisting families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster.

Nature of Requirement: The regulation at 24 CFR 92.203(a)(1) and (2) require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months. Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will

not be able to qualify for HOME assistance if the requirement remains effective.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: Several Texas CPD grantees were affected by severe winter weather that hit the state beginning February 11, 2021. As a result of substantial property loss and destruction, many individuals and families residing in the declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. Some individuals and families continued to live in homes with habitability deficits, particularly related to potable water. The President issued a disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the Texas severe winter weather on February 19, 2021 (FEMA-DR-4586), and further amended it through February 25, 2021. The waiver is required to allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 93.151(c).

Project/Activity: Families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster.

Nature of Requirement: The regulation at 24 CFR 93.151(c) requires initial income documentations for HTF beneficiaries by examining source documentation for at least two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: Several Texas CPD grantees were affected by severe winter weather that hit the state beginning February 11, 2021. As a result of substantial property loss and destruction, many individuals and families residing in the declared-disaster areas were displaced from their

homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. Some individuals and families continued to live in homes with habitability deficits, particularly related to potable water. The President issued a disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the Texas severe winter weather on February 19, 2021 (FEMA-DR-4586), and further amended it through February 25, 2021. The waiver is required to allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: Santa Clara County and Contra Costa County requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for three HOME-assisted projects—Met South Apartments, The Veranda, and Veterans Square.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development, D.

Date Granted: March 8, 2021.

Reason Waived: The HOME requirements for establishing a utility allowances conflict with Project Based-Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 574.310(b)(2).

Project/Activity: This waiver of the Property Standards in 24 CFR part 574 was provided with respect to the use of Housing Opportunities for Persons With AIDS (HOPWA) funds to address the housing needs of eligible families following the severe winter weather in Texas, for which a disaster declaration was made in February 2021.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum housing quality standards that apply to housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 26, 2021.

Reason Waived: HUD determined that this waiver was necessary to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the area covered by the major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4586-TX, dated February 19, 2021, as amended.

Applicability: The property standard requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Notice PIH 2017-20 (HA). Grantees must ensure that these units meet HOPWA HQS within 60 days of the date of this memorandum.

Contact: Amy Palilonis, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (202) 402-5916. amy.l.palilonis@hud.gov.

- *Regulation:* 24 CFR 574.310(b).

Project/Activity: This waiver of the HOPWA Property Standards was provided with respect to the use HOPWA funds to address the housing needs of eligible families under the unique circumstances of the COVID-19 pandemic and the resulting economic upheaval in affected communities.

Nature of Requirement: This section of the HOPWA regulations provides that all housing assisted with acquisition, rehabilitation, conversion, lease, or

repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs must meet the applicable housing quality standards outlined in the regulations.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: On March 31, 2020 HUD waived the physical inspection requirement for tenant-based rental assistance at 24 CFR 574.310(b) for one year. On May 22, 2020 HUD waived the physical inspection requirement for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs for one year. Grantees and project sponsors continue to report difficulty in conducting the initial inspection of units due to social distancing guidelines. Extending these waivers until June 30, 2021 will allow grantees and project sponsors to quickly move households into housing, which enables social distancing, and helps prevent the spread of COVID-19. Additionally, grantees and project sponsors will need time when social distancing guidelines are no longer in effect to prepare staff to physically re-inspect units for HQS.

Applicability: This waiver is in effect until June 30, 2021 for grantees and project sponsors that can meet the following criteria:

a. The grantee or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and

b. The grantee or project sponsor has written policies to physically reinspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Contact: Amy Palilonis, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (202) 402-5916. amy.l.palilonis@hud.gov.

- *Regulation:* 24 CFR 574.320(a)(2).

Project/Activity: This waiver of the FMR Rent Standard for HOPWA Rental Assistance was provided with respect to the use HOPWA funds to address the housing needs of eligible families under the unique circumstances of the COVID-19 pandemic and the resulting economic upheaval in affected communities.

Nature of Requirement: Grantees must establish rent standards for their rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the rental assistance payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived the FMR rent standard requirement for tenant-based rental assistance for one year on March 31, 2020. On May 22, 2020 HUD waived this requirement for one year for all rental assistance types. Grantees and project sponsors continue to report COVID-19 related health and financial hardships for HOPWA-eligible households. Extending this waiver of the FMR rent standard limit, while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will assist grantees and project sponsors in expediting efforts to identify suitable housing units for rent to eligible households experiencing the ongoing health and financial impacts of the COVID-19 pandemic and economic crisis.

Applicability: The FMR requirement continues to be waived until June 30, 2021. Grantees and project sponsors must still ensure the reasonableness of rent charged for a unit in accordance with § 574.320(a)(3).

Contact: Amy Palilonis, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (202) 402-5916. amy.l.palilonis@hud.gov.

- *Regulation:* 24 CFR 574.330(a)(1).

Project/Activity: This waiver of the time limits for HOPWA Short-Term Supported Housing was provided with respect to the use HOPWA funds to address the housing needs of eligible families under the unique circumstances of the COVID-19 pandemic and the resulting economic upheaval in affected communities.

Nature of Requirement: A short-term supported housing facility may not provide residence to any individual for more than 60 days during any six-month period. Short-Term Rent, Mortgage, and Utility (STRMU) payments to prevent the homelessness of the tenant or mortgagor of a dwelling may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement on May 22, 2020 to prevent homelessness or discharge to unstable housing situations for households residing in short-term housing facilities or units assisted with STRMU if permanent housing could not be achieved within the time limits specified in the regulation. Extending this waiver is necessary because grantees and project sponsors continue to report that households require longer periods of assistance due to financial and health-related hardships stemming from the COVID-19 pandemic.

Applicability: This waiver is made available for all HOPWA grants except those funded under the CARES Act or for the portion of a grantee's FY 2020 formula funds that have been approved under its Annual Action Plan (AAP) for allowable activities to prevent, prepare for, and respond to the COVID-19 pandemic as described in section V. of Notice CPD-20-05. On an individual household basis, grantees or project sponsors may assist eligible households for a period that exceeds the time limits specified in the regulations. A short-term supported housing facility may provide residence to any individual for a period of up to 120 days in a six-month period. STRMU payments to prevent the homelessness of the tenant or mortgagor of a dwelling may be provided for costs accruing up to 52 weeks in a 52-week period. This waiver is in effect until June 30, 2021 for grantees and project sponsors that can meet the following criteria:

- The grantee or project sponsor documents that a good faith effort has been made on an individual household basis to assist the household to achieve permanent housing within the time limits specified in the regulations but that financial needs and/or health and safety concerns have prevented the household from doing so; and
- The grantee or project sponsor has written policies and procedures outlining efforts to regularly reassess the needs of assisted households as well as processes for granting extensions based on documented financial needs and/or health and safety concerns.

Contact: Amy Palilonis, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (202) 402-5916. amy.l.palilonis@hud.gov.

- *Regulation:* 24 CFR 576.2, definition of "homeless," (I)(iii).

Project/Activity: An individual may qualify as homeless under paragraph (1)(iii) the homeless definition in 24 CFR 576.2 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect until June 30, 2021.

Nature of Requirement: An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution are considered homeless per 24 CFR 576.2, definition of "homeless."

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement on September 30, 2020 to keep housing options open for individuals who otherwise would have been homeless but were reporting longer stays in institutions as a result of COVID-19 (e.g., longer time in jail due to a postponed court dates due to courts closings or courts operating at reduced capacity and longer hospital stays when infected with COVID-19. Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of and respond to COVID-19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID-19. Recipients continue to report potential program participants are staying in institutions for longer periods of time due to COVID-19; therefore, HUD is extending this waiver to allow someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 576.106(e).

Project/Activity: HUD granted a waiver of 24 CFR 576.106(e) to the City of Tulsa, to allow its subrecipient, the Mental Health Association Oklahoma

(MHAOK) to provide rapid re-housing rental assistance and housing relocation and stabilization services to program participants who have chosen units that MHAOK owns, which would require that MHAOK will have to enter into a rental assistance agreement with its property management division. MHAOK is required to comply with the Conflict of Interest requirements as stated in 24 CFR 576.404.

Nature of Requirement: Section 576.106(e) of the Emergency Solutions Grants (ESG) Program Interim rule requires recipients to have a rental assistance agreement with the owner of any property for which they will provide rental assistance payments. The rental assistance agreement must include the terms under which rental assistance will be provided. It also requires the owner to give the recipient or subrecipient a copy of any notice to the program participant to vacate the housing unit or any complaint used under State or local law to commence an eviction action against the program participant. Also, each rental assistance agreement that is executed or renewed on or after December 16, 2016 must include all protections that apply to tenants and applicants under 24 CFR part 5, subpart L, as supplemented by § 576.409, except for the emergency transfer plan requirements under 24 CFR 5.2005(e) and 576.409(d). If the housing is not assisted under another “covered housing program”, as defined in 24 CFR 5.2003, the agreement may provide that the owner’s obligations under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), expire at the end of the rental assistance period.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.
Date Granted: January 6, 2021.

Reason Waived: HUD granted the waiver to increase housing options for ESG program participants in Tulsa, OK being assisted by the city’s subrecipient, MHAOK. Homelessness in the City of Tulsa increased 27% from 2015 to 2020. MHAOK has been awarded rapid rehousing funding to provide rapid rehousing rental assistance and housing relocation and stabilization services for up to 140 households. MHAOK owns 40 properties in the community, which are included in the available pool of units from which an eligible program participant may choose to live. If a program participant selects one of their own housing units, MHAOK requires a waiver of the rental assistance agreement requirements in order to enter an agreement with its property

management division (Eastoak Property Management).

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

- *Regulation:* 24 CFR 576.203(a)(1).

Project/Activity: HUD granted a waiver of 24 CFR 576.203(a)(1) to Oregon Housing and Community Services (OHCS), to extend its obligation date to March 31, 2021 to provide time to evaluate new applications, award funds, and account for unforeseen delays due to the implementation of a new funding approach to meet the unprecedented need during the COVID–19 pandemic and identify new subrecipients with the capacity to administer ESG–CV funds.

Nature of Requirement: Section 24 CFR 576.203(a)(1) requires states to obligate funds within 60 days from the date that it signs the grant agreement with HUD. HUD further waived this requirement in CPD–20–08 Notice: Waivers and Alternative Requirements for the Emergency Solutions Grants (ESG) Program Under the CARES Act (ESG–CV Notice) so long as states obligated funds within 180 days for activities it will carry out itself and 240 days for activities it will obligate to subrecipients.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 7, 2021.

Reason Waived: HUD granted the waiver to extend OHCS’s obligation deadline from February 18, 2021 to March 31, 2021 to provide additional time to implement a new competitive process for allocating funds and identifying new subrecipients with the capacity to administer ESG CARES Act funds. The waiver provides OHCS with time needed to complete their funding process.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

- *Regulation:* 24 CFR

578.103(a)(7)(iv).

Project/Activity: The waiver of the requirement at 24 CFR 578.103(a)(7)(iv) that the recipient or subrecipient may only rely on program participant self-certification of income if the other permitted types of documentation are

unobtainable when conducting the initial or subsequent rent or occupancy charge calculations is in effect until June 30, 2021. During this time, 24 CFR 578.103(a)(7)(iv) is waived to the extent necessary to allow recipients or subrecipients to document annual income with the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation, even if source documents and third-party verification, are obtainable.

Nature of Requirement: 24 CFR 578.103(a)(7) requires the recipient or subrecipient to keep records of the program participant’s income and the back-up documentation they relied on to determine income. The regulation establishes an order of preference for the type of documentation that recipients can rely upon. Only if source documents and third-party verification are unobtainable is a written certification from the program participant acceptable documentation of income. HUD is waiving “To the extent that source documents and third-party verification are unobtainable” in 578.103(a)(7)(iv).

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: On September 30, 2020, HUD waived the requirement to attempt to document that third-party verification of income was unobtainable in order for recipients and subrecipients to a program participant’s own self-certification of income until December 31, 2020 because that documentation may be difficult to obtain as a result of COVID–19 pandemic and housing program participants quickly was important to prevent the spread of COVID–19. On December 30, 2020, HUD extended this waiver to March 31, 2021. It continues to be important to move people into their own housing quickly to enable social distancing and prevent the spread of COVID–19; therefore, waiving the requirement that source documents and third-party documentation be unobtainable in order for recipients or subrecipients to rely on a program participant’s own certification of their income.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* The definition of “Point-in-time count” in 24 CFR 578.3, and 24 CFR 578.7(c)(2), 24 CFR 578.7(c)(2)(i).

Project/Activity: HUD is waiving the definition of “Point-in-time count” in 24 CFR 578.3 and the requirements at 24 CFR 578.7(c)(2)(i) and 24 CFR 578.7(c)(2) to the extent necessary to remove the requirement that Continuum of Care Program (CoC) conduct a biennial point-in-time count in FY2021 of people experiencing unsheltered homelessness, even if the CoC did not conduct a point-in-time count of people experiencing unsheltered homelessness in FY2020. Waiving the requirements at 24 CFR 578.3, 24 CFR 578.7(c)(2)(i) and 24 CFR 578.7(c)(2) that require CoCs conduct a FY2021 biennial point-in-time count of unsheltered homeless is available for CoCs that complete the notification process by the January 20, 2021 deadline. CoCs that use the waivers of 24 CFR 578.3, 24 CFR 578.7(c)(2) and 24 CFR 578.7(c)(2)(i) must still conduct their FY2021 biennial point-in-time count of sheltered homeless persons if one is required in FY2021 consistent with the requirements in Notice CPD–18–08. CoCs that do not use the waivers of 24 CFR 578.3, 24 CFR 578.7(c)(2)(i) and 24 CFR 578(c)(2) must still conduct their FY2021 biennial point-in-time count of homeless persons for both sheltered and unsheltered homeless persons if one is required in FY2021.

Nature of Requirement: The definition of “Point-in-time count” in 24 CFR 578.3, and 24 CFR 578.7(c)(2) and 24 CFR 578.7(c)(2)(i) require CoCs to plan for and conduct, at least biennially, a point-in-time count of homeless persons within the geographic area and count as unsheltered homeless persons individuals who are living in a place not designated or ordinarily used as a regular sleeping accommodation for humans. 24 CFR 578.7(c)(2)(iii) also requires CoCs to comply with other requirements established by HUD by Notice for the point-in-time count.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: January 7, 2021.

Reason Waived: Conducting a point-in-time count of people experiencing unsheltered homelessness requires countless hours of planning and volunteers. Additionally, on the night of the count, it requires people to approach people experiencing unsheltered homelessness to collect data. Because of COVID–19, CoCs have been short staffed and busy preparing for and implementing measures to prevent the spread of COVID–19 in their

communities. Additionally, CoCs are reporting challenges in finding volunteers to survey individuals experiencing unsheltered homelessness on the night of the count due to fears of COVID–19. Further, CoCs are reporting challenges obtaining personal protective equipment (PPE) necessary to equip volunteers and people experiencing unsheltered homelessness to have the conversations necessary to collect the required data. These challenges are present in every part of the country. As of December, every single state had at least 9 new COVID cases per day per 100,000 population. For these reasons, providing waiver flexibility for the FY2021 point-in-time count for unsheltered homelessness helps prevent the spread of COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(1)(1).

Project/Activity: The one-year lease requirement is waived for leases executed between the date of March 31, 2021 and June 30, 2021, so long as the initial term of all leases is at least one month.

Nature of Requirement: Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement for 6-months on March 31, 2020. On September 30, 2020, HUD waived this requirement again until December 31, 2020. HUD extended this waiver again on December 30, 2020 until March 31, 2021 to help recipients more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID–19. Extending this waiver is necessary because recipients continue to need to help program participants identify housing quickly to help prevent the spread of COVID–19. Additionally, even after special measures are no longer necessary to prevent the spread of COVID–19, helping program participants move into housing quickly will continue to decrease the risk of people experiencing homelessness of contracting COVID–19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

• *Regulation:* 24 CFR 578.3, definition of “homeless” (1)(iii).

Project/Activity: An individual may qualify as homeless under paragraph (1)(iii) of the homeless definition in 24 CFR 578.3 so long as he or she is exiting an institution where they resided or 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect until June 30, 2021.

Nature of Requirement: The definition of homeless in 24 CFR 578.3 includes under paragraph (1)(iii) an individual who is exiting an institution where he or she resided for 90 days or less and has resided in an emergency shelter or place not meant for human habitation immediately before entering that institution, which is an interpretation of § 103(a)(4) of the McKinney-Vento Act which includes an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement on September 30, 2020, until March 31, 2021 to keep housing options open for individuals who otherwise would have been homeless but were reporting longer stays in institutions as a result of COVID–19 (e.g., longer time in jail due to a postponed court dates due to courts closings or courts operating at reduced capacity and longer hospital stays when infected with COVID–19. Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of and respond to COVID–19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID–19. Recipients continue to report potential program participants are staying in institutions for longer periods of time due to COVID–19; therefore, HUD is extending this waiver to allow someone

who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.33(c).

Project/Activity: The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is further waived for all projects that amend their grant agreement between March 31, 2021 and June 30, 2021 to move funds between budget line items in a project in response to the COVID-19 pandemic. Recipients may then apply in the next FY CoC Program funding cycle based on the budget line items in the grants before they were amended.

Nature of Requirement: 24 CFR 578.33(c) requires that budget line item amounts a recipient is awarded for renewal in the CoC Program Competition will be based on the amounts in the final year of the prior funding period of the project.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement for grant agreement amendments signed between March 31, 2020 and October 1, 2020 to allow recipients to move funds between budget line items in a project in response to the COVID-19 pandemic and still apply for renewal in the next FY CoC Program funding cycle based on the budget line items in the grants before they were amended. HUD again waived this requirement for all grant agreements signed from October 1, 2020 until December 31, 2020. HUD again waived this requirement for all grants signed between December 30, 2020 and March 31, 2021. Recipients continue to report needing to shift budget line items to respond to the COVID-19 pandemic (e.g., providing different supportive service necessitated by the pandemic or serving fewer people because the layout of the housing does not meet local social distancing recommendations) without changing the original design of the project when it is not operating in a public health crisis and can resume normal operations.

Contact: Norm Suchar, Director, Office of Special Needs Assistance

Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.37(a)(1)(ii)(F).

Project/Activity: The requirement in 24 CFR 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing-rapid re-housing projects until June 30, 2021.

Nature of Requirement: Recipients must require program participants of permanent housing-rapid re-housing projects to meet with a case manager at least monthly.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement for 2-months on March 31, 2020. On May 22, 2020 HUD again waived this requirement for an additional 3 months and on September 30, 2020 HUD once again waived this requirement until December 31, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The Fair Market Rent restriction continues to be waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing until June 30, 2021. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2).

Nature of Requirement: Rent payments for individual units with

leasing dollars may not exceed Fair Market Rent.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement for 6-months on March 31, 2020. On September 30, 2020 HUD again waived this requirement until December 31, 2020. Extending this waiver of the limit on using grant leasing funds to pay above FMR for individual units, but not greater than reasonable rent, will assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID-19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d).

Project/Activity: The limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of a program participant's rent arrears, when those arrears make it difficult to obtain housing. This waiver is in effect until June 30, 2021.

Nature of Requirement: 24 CFR 578.53(e)(8) allows recipients and subrecipients to use CoC funds to pay for housing search and counseling services to help eligible program participants locate, obtain, and retain suitable housing. For program participants whose debt problems make it difficult to obtain housing, 24 CFR 578.53(e)(8)(ii)(B) makes eligible the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. However, payment of rental or utility arrears is not included as an eligible cost. 24 CFR 578.53(d) limits eligible supportive service costs to those explicitly listed in 24 CFR 578.53(e), which is a more limited list than is eligible under the McKinney-Vento Act.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement for 1-year on March 31, 2020 to allow recipients and subrecipients to pay up to 6 months of rental arrears and 6 months of utility

arrears to remove barriers to obtaining housing quickly and help reduce the spread and harm of COVID-19. Extending this waiver is necessary to remove barriers that would prevent program participants from finding housing quickly, particularly as more people find themselves with rental arrears due to COVID-19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.7(c)(2)(iii), and Sections 4.4 and 4.5 of the Notice CPD-18-08: 2019 HIC and PIT Data Collection for CoC and Emergency Solutions Grants Program.

Project/Activity: HUD is waiving 24 CFR 578.7(c)(2)(iii) to the extent necessary to remove some of the data collection requirements in Notice CPD-18-08 as they relate to unsheltered homeless persons for CoCs that do not take advantage of the waivers of 24 CFR 578.3, 24 CFR 578.7(c)(2) and 24 CFR 578.7(c)(2)(i) included in the January 7, 2021 waiver memorandum (and must therefore conduct a FY2021 unsheltered homeless persons point-in-time count) but follow the notification process prescribed in the January 7, 2021 waiver memorandum to use this waiver.

In Section 4.4 of Notice CPD-18-08, and for unsheltered persons only, HUD is now only requiring CoCs to collect data on the total number of people sleeping in unsheltered situations on the night of each CoC's point-in-time count, with no household, demographic, or subpopulation data. The requirements of Section 4.4 of Notice CPD-18-08 remain unchanged for sheltered homeless persons.

In Section 4.5 of Notice CPD-18-08, HUD is now eliminating the requirement that CoCs report on additional homeless population data for unsheltered persons. The requirements of Section 4.5 remain unchanged for sheltered homeless persons. This waiver of the requirements at 24 CFR 578.7(c)(2)(iii) that requires CoCs to comply with additional requirements established by HUD in Sections 4.4 and 4.5 of Notice CPD-18-08 for the FY2021 biennial point-in-time count of unsheltered homeless persons is available for CoCs that complete the notification process by the January 20, 2021 deadline, but may choose to use the waiver of 24 CFR 578.7(c)(2)(iii), which removes some of the data collection requirements in Notice CPD-

18-08: 2019 HIC and PIT Data Collection for CoC and ESG Programs associated with the point-in-time count for unsheltered homeless persons.

Nature of Requirement: 24 CFR 578.7(c)(2)(iii) requires CoCs to comply with additional requirements established by HUD by Notice for the point-in-time count. HUD has established additional point-in-time count requirements through Notice CPD-18-08: 2019 HIC and PIT Data Collection for CoC and ESG Programs. Sections 4.4 and 4.5 of Notice CPD-18-08 include data requirements for the point-in-time count of both sheltered and unsheltered homeless persons.

Granted By: John Gibbs, Acting Assistant Secretary for Community Planning and Development.

Date Granted: January 7, 2021.

Reason Waived: Conducting a point-in-time count of people experiencing unsheltered homelessness requires countless hours of planning and volunteers. Additionally, on the night of the count, it requires people to approach people experiencing unsheltered homelessness to collect data. Because of COVID-19, CoCs have been short staffed and busy preparing for and implementing measures to prevent the spread of COVID-19 in their communities. Additionally, CoCs are reporting challenges in finding volunteers to survey individuals experiencing unsheltered homelessness on the night of the count due to fears of COVID-19. Further, CoCs are reporting challenges obtaining personal protective equipment (PPE) necessary to equip volunteers and people experiencing unsheltered homelessness to have the conversations necessary to collect the required data. These challenges are present in every part of the country. As of December, every single state had at least 9 new COVID cases per day per 100,000 population. For these reasons, providing waiver flexibility for the FY2021 point-in-time count for unsheltered homelessness helps prevent the spread of COVID-19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.75(b)(1).

Project/Activity: The waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in

effect until June 30, 2021 for recipients and subrecipients that are able to obtain certification from the owner that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question; and the recipient or subrecipient has written policies to physically inspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Nature of Requirement: 24 CFR 278.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: On March 31, 2020, HUD waived the physical inspection requirement at 24 CFR 578.75(b)(1) for 6-months so long as recipients or subrecipients were able to visually inspect the unit using technology to ensure the unit met HQS before any assistance was provided and recipients or subrecipients had written policies in place to physically reinspect the unit within 3 months after the health officials determined special measures to prevent the spread of COVID-19 are no longer necessary. However, this standard still relies on program participants or landlords having the technology to carry out this virtual inspection. Additionally, recipients and subrecipients are still reporting difficulty in conducting the initial inspection of units due to social distancing guidelines.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.75(b)(2).

Project/Activity: 24 CFR 578.75(b)(2) requires that recipients or subrecipients are required to inspect all units supported by leasing or rental assistance funding under the CoC and YHDP Programs at least annually during the grant period to ensure the units continue to meet HQS. This waiver is in effect until June 30, 2021.

Nature of Requirement: Recipients and subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived the requirement for 1-year on March 31, 2020 to help recipients and subrecipients prevent the spread of COVID-19. Because social distancing and stay at home measures are still in place in most parts of the country, HUD is extending this waiver. Additionally, recipients will need time when social distancing guidelines are no longer in effect to prepare staff to re-inspect (and inspect as discussed above) units for HQS; therefore, HUD is extending the waiver beyond the date the state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- *Regulation:* 24 CFR 578.75(c) and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b).

Project/Activity: The requirement that each unit assisted with CoC Program funds or YHDP funds have at least one bedroom or living/sleeping room for each two persons is waived for recipients providing Permanent Housing-Rapid Rehousing assistance for leases and occupancy agreements executed by recipients and subrecipients between the dates of March 31, 2021 and June 30, 2021 and extending only until the later of (1) the end of the initial term of the lease or occupancy agreement; or (2) June 30, 2021. Recipients are still required to follow State and local occupancy laws.

Nature of Requirement: 24 CFR 578.75(c), suitable dwelling size, and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b), Housing Quality Standards, requires units funded with CoC Program funds to have at least one bedroom or living/sleeping room for each two persons.

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: On September 30, 2020, HUD waived the requirements at 24 CFR 982.401(d)(2)(ii) and 24 CFR 578.75(c) to allow households experiencing homelessness to obtain permanent housing that is affordable and that they assess is adequate.

Recipients continue to report that households experiencing homelessness remain unable to afford the limited supply of affordable housing in many jurisdictions across the country and this has been made even more challenging due to the economic impact of COVID-19. HUD is waiving the requirements at 24 CFR 982.401(d)(2)(ii) and 24 CFR 578.75(c) to reduce the spread of COVID-19 by allowing households to move into housing instead of staying in congregate shelter. Consistent with the *Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners*, grantees should balance use of this waiver with the recommendations of public health officials to limit community spread and reduce risks to high-risk populations. For example, a large unit with rooms than can be partitioned for privacy and distancing, or the waiver can be applied for units that will house only one family household.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 5.801(c)(2).

Project/Activity: All Multifamily & Healthcare properties.

Nature of Requirement: Regulation requires that properties with a financial reporting requirement provide that financial statement to HUD by a date certain. This requirement was deferred until 6/30/21 for properties with a due date between 10/1/20-6/31/21.

Granted by: Lopa Kolluri, Principal Deputy Assistant Secretary for Housing—Federal Housing Administration.

Date Granted: March 30, 2021.

Reason Waived: Difficulty in completing audits on-time due to travel restrictions and general workflow challenges related to the COVID-19 pandemic.

Contact: Michael Bruggman, Director of Asset and Counterparty Oversight Division, Office of Asset Management and Portfolio Oversight, Office of Multifamily Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6151,

Washington, DC 20410, telephone (202) 402-5619. *Michael.bruggman@hud.gov.*

- *Regulation:* 24 CFR 203.604 *Contact with the mortgagee.*

Project/Activity: The requirement for early default intervention under FHA's early default servicing requirements stipulate that mortgagees must conduct a face-to-face interview with the borrower to gather and convey required information and determine the borrower's circumstances and appropriate repayment plans.

Nature of Requirement: This is a partial waiver of servicing requirement in 24 CFR 203.604 that mortgagees must have a face-to-face interview before three full monthly installments due on the mortgage are unpaid. The waiver provided alternative methods that the mortgagee could use to make contact.

Granted by: Janet M. Golrick, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 2, 2021.

Reason Waived: The partial waiver of required face-to-face contact was issued due to continued public health concerns around the spread of Coronavirus Disease 2019. Without the partial waiver, retention of the face-to-face interview requirement for servicing FHA-insured mortgages during the COVID-19 pandemic introduces health risks and potential non-compliance by both mortgagees and borrower. Without the partial waiver, retention of the face-to-face interview requirement during the COVID-19 pandemic could introduce increased health risks to FHA borrowers and mortgagees.

Contact: Elissa Saunders, Acting Director, Office of Single Family Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9278, Washington, DC 20410, telephone (202) 402-2378.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 982.161(a)(1).

Project/Activity: Town of Islip Housing Authority requested a conflict-of-interest provision in HUD regulations and Section 19 of the Public Housing Annual Contributions Contract (ACC).

Nature of Requirement: The conflict-of-interest provisions under the HCV regulations and the ACC prevent a Public Housing Agency (PHA) or any of its contractors or subcontractors from entering into any contract or

arrangement in connection with the HCV program or Public Housing property, in which any present or former member or officer of the PHA has a direct or indirect interest during his or her tenure or for one year thereafter.

Granted By: Dominique Blom, General Deputy Assistant Secretary, Public and Indian Housing.

Date Granted: March 5, 2021.

Reason Waived: The PHA's Executive Director retired in November 2020 and the Deputy Director was appointed Interim Executive Director while the PHA searches for a qualified candidate for the Executive Director. The PHA's Board of Commissioners requested to hire the former Executive Director on a part-time temporary basis to assist with the transition of the Deputy Director to Interim Executive Director and to serve as the Deputy Director so the services to PHA's residents are not diminished and to enable the PHA to address additional demands imposed by the COVID pandemic. The PHA reviewed its current staffing and determined that no other PHA employee possesses a similar level of skills, knowledge, and expertise as the former Executive Director. The PHA also evaluated the possibility of hiring a consulting firm but doing so would come at a much higher cost. The PHA's attorney evaluated State and local law and determined that the former Executive Director would be permitted under State and local law to be hired by PHA. The HUD Field Office, including HUD's Regional Counsel, supported approval of this request. Thus, pursuant to the waiver authority provided at 24 CFR 5.110, HUD determined that there was good cause to waive 24 CFR 982.161(a)(1).

Contact: Danielle Bastarache, Deputy Assistant Secretary, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4204, Washington, DC 20410, telephone (202) 402-5264.

• *Regulation:* 24 CFR 5.801(c) and 24 CFR 5.801(d)(1).

Project/Activity: Housing Authority of the City of Lake Charles (LA004).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 9, 2021.

Reason Waived: The HA requested relief from compliance for additional time to submit its financial reporting requirements for the fiscal year end (FYE) of September 20, 2020. The Housing Authority of the City of Lake Charles requested a waiver pursuant to "Relief from HUD Requirements Available to Public Housing Authorities (PHAs) During CY 2020/2021 to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Disasters" FR-6050-N-04 (November 12, 2020). A previous letter was sent to LCHA from HUD on February 11, 2021 that addressed the waiver requests by LHCA for Section 2(a), Section 3(b), Section 3(c), and Section 3(d). This letter addresses the additional waivers requested in accordance with FR-6050-N-04 and 24 CFR 5.110.

Contact: Lara Philbert, Assessment Manager, Integrated Assessment Team, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475-7908.

HUD's Summary of CARES Act Notices Providing Waivers: 1/1/21 to 3/31/21

Authority: Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and regulatory waiver authority is also provided by 24 CFR 5.110 and 91.600.

• *Regulation:* 24 CFR 576.106(e).

Project/Activity: HUD granted a waiver of 24 CFR 576.106(e) to the City of Tulsa, to allow its subrecipient, the Mental Health Association Oklahoma (MHAOK) to provide rapid re-housing rental assistance and housing relocation and stabilization services to program participants who have chosen units that MHAOK owns, which would require that MHAOK will have to enter into a rental assistance agreement with its property management division. MHAOK is required to comply with the Conflict of Interest requirements as stated in 24 CFR 576.404.

Nature of Requirement: Section 576.106(e) of the Emergency Solutions Grants (ESG) Program Interim rule requires recipients to have a rental assistance agreement with the owner of any property for which they will provide rental assistance payments. The rental assistance agreement must include the terms under which rental assistance will be provided. It also requires the owner to give the recipient or subrecipient a copy of any notice to the program participant to vacate the housing unit or any complaint used

under State or local law to commence an eviction action against the program participant. Also, each rental assistance agreement that is executed or renewed on or after December 16, 2016 must include all protections that apply to tenants and applicants under 24 CFR part 5, subpart L, as supplemented by § 576.409, except for the emergency transfer plan requirements under 24 CFR 5.2005(e) and 576.409(d). If the housing is not assisted under another "covered housing program", as defined in 24 CFR 5.2003, the agreement may provide that the owner's obligations under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), expire at the end of the rental assistance period.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 6, 2021.

Reason Waived: HUD granted the waiver to increase housing options for ESG program participants in Tulsa, OK being assisted by the city's subrecipient, MHAOK. Homelessness in the City of Tulsa increased 27% from 2015 to 2020. MHAOK has been awarded rapid rehousing funding to provide rapid rehousing rental assistance and housing relocation and stabilization services for up to 140 households. MHAOK owns 40 properties in the community, which are included in the available pool of units from which an eligible program participant may choose to live. If a program participant selects one of their own housing units, MHAOK requires a waiver of the rental assistance agreement requirements in order to enter an agreement with its property management division (Eastoak Property Management).

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

• *Regulation:* 24 CFR 576.2, definition of "homeless" (1)(iii).

Project/Activity: HUD granted a waiver of 24 CFR 576.2, paragraph (1)(iii) in CPD Memo: Availability of Additional Waivers for Community Planning and Development (CPD) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 (March 31, 2021). Paragraph (1)(iii) of the homeless definition in 24 CFR 576.2 is waived to the extent that an individual may qualify as homeless so long as he

or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. The waiver is in effect until June 30, 2021 and is made available with respect to all ESG grants, whether funded under the CARES Act or annual ESG appropriations.

Nature of Requirement: The definition of homeless in 24 CFR 576.2 includes under paragraph (1)(iii) an individual who is exiting an institution where he or she resided for 90 days or less and has resided in an emergency shelter or place not meant for human habitation immediately before entering that institution, which is an interpretation of § 103(a)(4) of the McKinney-Vento Act which includes an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided (*emphasis added*).

Granted By: James A. Jemison, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 31, 2021.

Reason Waived: HUD originally waived this requirement on September 30, 2020 to keep housing options open for individuals who otherwise would have been homeless but were reporting longer stays in institutions as a result of COVID-19 (*e.g.*, longer time in jail due to a postponed court dates due to court closings or courts operating at reduced capacity and longer hospital stays when infected with COVID-19). Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of and respond to COVID-19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID-19. Recipients continue to report potential program participants are staying in institutions for longer periods of time due to COVID-19; therefore, HUD extended this waiver to allow someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262,

Washington, DC 20410, telephone number (202) 708-4300.

• *Regulation:* 24 CFR 576.203(a)(1).

Project/Activity: HUD granted a waiver of 24 CFR 576.203(a)(1) to Oregon Housing and Community Services (OHCS), to extend its obligation date to March 31, 2021 to provide time to evaluate new applications, award funds, and account for unforeseen delays due to the implementation of a new funding approach to meet the unprecedented need during the COVID-19 pandemic and identify new subrecipients with the capacity to administer ESG-CV funds.

Nature of Requirement: Section 24 CFR 576.203(a)(1) requires states to obligate funds within 60 days from the date that it signs the grant agreement with HUD. HUD further waived this requirement in CPD-20-08 Notice: Waivers and Alternative Requirements for the Emergency Solutions Grants (ESG) Program Under the CARES Act (ESG-CV Notice) so long as states obligated funds within 180 days for activities it will carry out itself and 240 days for activities it will obligate to subrecipients.

Granted By: John Gibbs, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 7, 2021.

Reason Waived: HUD granted the waiver to extend OHCS's obligation deadline from February 18, 2021 to March 31, 2021 to provide additional time to implement a new competitive process for allocating funds and identifying new subrecipients with the capacity to administer ESG CARES Act funds. The waiver provides OHCS with time needed to complete their funding process.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

[FR Doc. 2021-14135 Filed 7-1-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/
A0A501010.999900253G]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact in the State of Minnesota

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the class III gaming compact between the Shakopee Mdewakanton Sioux Community of Minnesota (Tribe) and the State of Minnesota (State).

DATES: The compact takes effect on July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, paula.hart@bia.gov, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Compact allows for the express and limited purpose of permitting the use of partitioned hard drives by the Community. The Compact is approved.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021-14218 Filed 7-1-21; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AASS003600/
A0T902020.999900.253G]

Cayuga Nation of New York; Alcoholic Beverage Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the liquor control ordinance of the Cayuga Nation of New York. The liquor control statute regulates and controls the possession, sale, manufacture, and distribution of alcohol in conformity with the laws of the State of New York.

DATES: This Ordinance is effective on August 2, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Rebecca J. Smith, Tribal Relations Specialist, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telephone: (615) 564-6711, Fax: (615) 564-6701; or Ms. Laurel Iron Cloud, Chief, Division of Tribal

Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW, MS-4513-MIB, Washington, DC 20240, Telephone: (202) 513-7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor control ordinances for the purpose of regulating liquor transactions in Indian country. The Tribal Council of the Cayuga Nation of New York duly adopted the Cayuga Nation Alcoholic Beverage Control Ordinance on August 2, 2016, and subsequently amended it by resolution on December 5, 2017.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Department of the Interior Departmental Manual, 209 DM 8). I certify that the Tribal Council of the Cayuga Nation of New York duly adopted the Cayuga Nation Alcoholic Beverage Control Ordinance on August 2, 2016, and subsequently amended it by resolution on December 5, 2017 to clarify language.

The Cayuga Nation Alcoholic Beverage Control Ordinance reads as follows:

**Cayuga Nation of New York
Alcoholic Beverage Control Ordinance
December 5, 2017**

Article-1 Introduction, Manufacture, Sale, Distribution and Possession

The manufacture, introduction, sale, distribution or possession of alcoholic beverages within Indian country as that term is defined in 18 U.S.C. 1151 under the jurisdiction of the Cayuga Nation of New York (the “Nation”) shall be lawful, provided that such manufacture, introduction, sale, distribution or possession is in compliance with the laws, regulations and ordinances of the Nation, which, in accordance with 18 U.S.C. 1161, shall at all times conform with the laws, regulations and ordinances of the State of New York and of the United States. Without limiting the generality of the foregoing in any way, the possession of alcoholic beverages by, or the sale or distribution of alcoholic beverages to anyone, under the age of twenty-one (21) is expressly prohibited.

Article 2-Alcoholic Beverage Control Commission

A. The Cayuga Nation Alcoholic Beverage Control Commission (the “Commission”) is hereby established by this Ordinance. The Commission shall be the sole Nation regulatory body with jurisdiction over, and shall possess the authority to control, the manufacture, possession, sale, distribution and consumption of alcoholic beverages within Indian country under the Nation’s jurisdiction.

B. The Commission shall consist of at least three (3) but not more than five (5) members each of whom shall be appointed by the federally-recognized Council of the Cayuga Nation (hereinafter referred to as the “Authorized Governing Council of the Nation”) which shall also have the power to appoint a Chairman of the Commission. Any individual twenty-one (21) years of age or older shall be eligible to serve on the Commission regardless of whether he or she is a citizen of the Nation, provided the Authorized Governing Council of the Nation determines that: (i) There would be no apparent conflict of interest created by the individual’s appointment, and (ii) a background investigation of the individual has been performed and the results of that investigation are deemed satisfactory. Further, a majority of the members of the Commission shall, at all times, consist of individuals who are not members of the Authorized Governing Council of the Nation.

C. The term of office for each member of the Commission shall be two (2) years. A member of the Commission may serve more than one term on the Commission. Nevertheless, a Commission member may be removed, for cause, by the Authorized Governing Council of the Nation prior to the expiration of his or her term.

Article 3: Commission Powers and Duties

The Commission, in furtherance of this Ordinance, shall have the following powers and duties:

A. To regulate and control the manufacture, sale, possession, distribution and consumption of alcoholic beverages on all Indian Country under the Nation’s jurisdiction.

B. To adopt, publish and enforce rules and regulations governing: (a) The appointment of individuals to serve as Chairman and as officers of the Commission including but not limited to a President and a Secretary/Treasurer, and to delegate to such officers those executive, management, and

administrative functions it deems appropriate, (b) the manufacture, sale, possession, distribution and consumption of alcoholic beverages on all Indian Country under the Nation’s jurisdiction, and (c) all matters pertaining to the authority conferred upon the Commission by this Ordinance.

C. To authorize officers, employees, security personnel, and such other persons as shall be reasonably necessary, to enforce the rules and regulations of this Ordinance and perform its functions.

D. To adjudicate all alleged violations of this Ordinance, in accordance with Article 8 of this Ordinance and all other applicable provisions of Nation law.

Article 4: License Required

No person shall manufacture or sell at wholesale or retail, any alcoholic beverages on Nation reservation lands, or within any Indian Country, under the jurisdiction of the Nation unless such person has been duly licensed by the Commission.

Article 5: License Application

No license shall be issued under this Ordinance to any person unless such person possesses the qualifications and satisfies the conditions set by the Commission. Any person or persons desiring a license under this Ordinance shall file a sworn application for such license with the Commission. The application shall include, among other things, a full and complete showing of the following:

A. Each person who applies for a license to manufacture or sell alcoholic beverages under this Ordinance shall, if such application is approved, be required to pay a license fee in accordance with the most recent license fee schedule published by the Commission. Fees for a license issued pursuant to this Ordinance shall be remitted to the Secretary/Treasurer of the Commission. Such fees shall be deposited by the Commission in the general fund of the Nation.

B. Proof satisfactory to the Commission that the applicant is not a member of the Commission and that he or she satisfies each of the licensing requirements established by the Commission.

The denial of an application for a license under this Ordinance may be appealed, within thirty (30) days of such denial, by filing a Notice of Appeal with the Authorized Governing Council of the Nation. A copy of such Notice must be concurrently served upon the Commission and the appellant must follow all rules and procedures for

prosecuting the appeal that are established by the Authorized Governing Council of the Nation. The disposition of the appeal by the Authorized Governing Council of the Nation shall be final and non-appealable.

Article 6: License; Terms and Conditions

A. A license issued by the Commission pursuant to this Ordinance shall be for a term of one (1) year, commencing on the date of issuance.

B. No transfer, conveyance or assignment of a license issued by the Commission pursuant to this Ordinance may occur without the prior written consent of the Commission.

Article 7: Issuance of a License

A license shall be issued to the applicant by the Commission only after such applicant's application has been approved by the Commission.

Article 8: Violations; Fines; Seizure; Hearing; Appeal Rights

A. Any person who violates this Ordinance or any rule or regulation promulgated pursuant thereto shall be subject to a fine not to exceed \$500 per violation as civil damages to defray the Commission's cost of enforcing this Ordinance. In addition to any fine so imposed, any license or permit issued hereunder may be suspended or revoked by the Commission for the violation of any of the provisions of this Ordinance, or rules or regulations promulgated thereto.

B. Beverages containing alcohol that are manufactured, sold, distributed or possessed contrary to the terms of this Ordinance are hereby declared to be contraband. The Commission, on a majority vote, may authorize any officer of the Commission or any other individual it deems to be qualified, to enforce this Article 8. Any individual who is authorized by the Commission to enforce this Article 8 shall have the authority to seize all contraband. All contraband seized shall be preserved in accordance with applicable Nation and State law. Upon being found in violation of this Ordinance by the Commission, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Nation, subject to such party's hearing and appeal rights, as described herein.

C. The Commission shall grant to all persons: (i) A hearing regarding any violations, fines, license suspensions or contraband seizures under this Ordinance, and (ii) all the rights and due process granted by the Indian Civil

Rights Act, 25 U.S.C. 1302, *et seq.* Notice of a Commission hearing regarding an alleged violation of this Ordinance shall be given to the affected individual(s) or entity(ies) by certified mail at least ten (10) days in advance of the hearing. The notice will be delivered in person or by certified mail with the Commission retaining proof of service. The notice will set out the rights of the alleged violator, including but not limited to the right to an attorney to represent the alleged violator, the right to speak and to present witnesses and to cross-examine any witnesses against them.

D. Any adverse determination made by the Commission may be appealed within thirty (30) days of such determination by the alleged violator by filing a Notice of Appeal with the Authorized Governing Council of the Nation. A copy of such Notice must be concurrently served upon the Commission. The disposition of the appeal by the Authorized Governing Council of the Nation shall be final and non-appealable.

Article 9: Severability

If a court or other judicial body of competent jurisdiction invalidates any part of this Ordinance, all valid parts that are severable from the invalid part shall remain in effect. If a part of this Ordinance is invalid in one or more of its applications, that part shall remain in effect in all valid applications that are severable from the invalid applications.

Article 10: Criminal Jurisdiction

This Ordinance does not in any way confer upon the Nation criminal jurisdiction over non-Indians.

Article 11: Interpretation

A. *Sovereign Immunity.* By enacting this Ordinance, the Nation does not waive in any respect its sovereign immunity or that of its agents in any manner, under any law, for any purpose, or in any place.

B. *No Right of Action.* This Ordinance does not create any right, cause of action, or benefit enforceable at law or in equity by any person against the Nation, its agencies, or any of its officers or employees, or any other person.

C. *Not Subject to Modification.* This Ordinance is not subject to modification in any state or federal court or by any authority outside the Cayuga Nation of New York.

Article 12: Effective Date

This Ordinance is effective thirty (30) days after its publication in the **Federal Register**.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021-14219 Filed 7-1-21; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

**[212A2100DD/AAKC001030/
AOA501010.999900253G]**

Indian Gaming; Approval by Operation of Law of Tribal-State Class III Gaming Compact in the State of Indiana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval by operation law of the compact between the Pokagon Band of Potawatomi Indians (Tribe) and the State of Indiana (State) providing for the conduct of Tribal class III gaming by the Tribe.

DATES: The compacts take effect on July 2, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Mailstop 3543, 1849 C Street NW, Washington, DC 20240, telephone (202) 219-4066, paula.hart@bia.gov.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 *et seq.*, (IGRA) provides the Secretary of the Interior (Secretary) with 45 days to review and approve or disapprove a Tribal-State compact governing the conduct of class III gaming activity on the Tribe's Indian lands. 25 U.S.C. 2710(d)(8). If the Secretary does not approve or disapprove a Tribal-State compact within the 45 days, IGRA provides that the Tribal-State compact is considered to have been approved by the Secretary but only to the extent the compact is consistent with IGRA. 25 U.S.C. 2710(d)(8)(C). The IGRA also requires the Secretary of the Interior to publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. 25 U.S.C. 2710(d)(8)(D). The Department's regulations at 25 CFR 293.4, require all compacts and amendments to be reviewed and approved by the Secretary prior to taking effect. The Secretary took no action on the Compact between the Pokagon Band of Potawatomi Indians

and the State of Indiana. Therefore, the Compact is considered to have been approved, but only to the extent it is consistent with IGRA. See 25 U.S.C. 2710(d)(8)(C).

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–14217 Filed 7–1–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON02000.L51010000.ER0000.
LVRWC16C8700.16X]

Notice of Availability of the Final Environmental Impact Statement for the Proposed Blue Valley Land Exchange, Grand and Summit Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Blue Valley Land Exchange.

DATES: The BLM will issue a final decision on the proposal a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Blue Valley Land Exchange Final EIS are available in the Kremmling Field Office at 2103 Park Avenue, Kremmling, CO 80459 and online at <https://go.usa.gov/xnBJ5>.

FOR FURTHER INFORMATION CONTACT: Annie Sperandio, Blue Valley Land Exchange Project Manager, telephone 970–724–3000; address Kremmling Field Office, 2103 Park Avenue, Kremmling, CO 80549; email: kfo_webmail@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 Ms. Sperandio during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM proposes to exchange certain Federal lands for properties owned by Galloway, Inc., the owners of the Blue Valley Ranch. Pursuant to Section 206 of the Federal Land Management and Policy Act of 1976, as amended, the proposed land exchange must be determined to be

in the public's interest and appraisals of the Federal and non-Federal parcels must show that the exchange parcels are equal in value. The Federal and non-Federal lands are located within the BLM's Kremmling Field Office and the White River National Forest.

The Final EIS describes and analyzes the Proposed Action (BLM's preferred alternative), another action alternative (Alternative 3), and the No Action alternative. The BLM's preferred alternative would convey approximately 1,489 acres of Federal lands managed by the BLM in Grand County, Colorado, to Blue Valley Ranch in exchange for approximately 1,830 acres of non-Federal lands in Summit and Grand counties, Colorado. It also provides a series of recreation design features along the lower Blue River, including public access easements, ADA-accessible facilities, fishing access, boater rest stops, trails, parking, boat ramps, and picnic facilities. Alternative 3 responds to public comments on the draft EIS, analyzing a reconfigured boundary for BLM parcel I that retains existing public fishing access and drops ranch-owned parcels 3 and 4 from the exchange to balance land values. Also dropped from Alternative 3 are the recreation design features that are part of the Proposed Action.

The BLM sought public participation through a scoping period initiated in April 2016 prior to preparation of the Draft EIS, which assisted the BLM in identifying issues to be addressed in the Draft EIS for the proposed land exchange.

Issues identified by the public during scoping included changes to public fishing access, perceived changes to float boating on the Blue River, concerns about changes to public access for hunting, changes to wildlife management and habitat, changes to the availability of Federal minerals for development, transfer of historic water rights, and issues common for all proposed land exchanges such as concerns about large landowners realizing a benefit from the exchange. These issues are addressed in the analysis in the Final EIS. The BLM would manage lands acquired through the land exchange in accordance with applicable laws and regulations, as well as the 2015 Kremmling Field Office Resource Management Plan, as amended. The White River National Forest would manage approximately 300 acres of lands acquired under the White River National Forest Land and Resource Management Plan. The Blue Valley Ranch would manage lands acquired in accordance with applicable

State, county, and local laws and ordinances.

The Draft EIS was available for a 45-day public comment period, which began on May 11, 2018, and ended on June 25, 2018. The comment period included two public meetings: On June 4, 2018, at the Summit County Library in Silverthorne, Colorado, and on June 6, 2018, at the Grand County Extension Office in Kremmling, Colorado. The BLM received 52 comments during the public comment process. Comment responses are in the Final EIS.

(Authority: 40 CFR 1506.6)

Jamie E. Connell,

BLM Colorado State Director.

[FR Doc. 2021–14033 Filed 7–1–21; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2021–0040]

Notice of Intent To Prepare an Environmental Impact Statement for Proposed Wind Energy Facility Offshore Virginia

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement; request for comments.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), the Bureau of Ocean Energy Management (BOEM) announces its intent to prepare an environmental impact statement (EIS) for the review of a construction and operations plan (COP) submitted by Dominion Energy, Inc. (Dominion or applicant). The COP proposes the construction and operation of a wind energy facility offshore Virginia, called the Coastal Virginia Offshore Wind Commercial Project (CVOW–C or Project), with export cables and the cable landing locations in the area of Hampton Roads, Virginia. The onshore electrical portion will connect to the Pennsylvania-New Jersey-Maryland (PJM) regional transmission grid. This notice of intent (NOI) announces the EIS scoping process for the Dominion COP. Additionally, this NOI seeks public comment and input under section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations. Detailed information about the proposed wind energy facility, including the COP, can be found on BOEM's website at: <https://www.boem.gov/CVOW-C>.

DATES: Comments are due to BOEM by August 2, 2021.

BOEM will hold virtual public scoping meetings for the CVOW–C EIS at the following dates and times (eastern):

Monday, July 12, 2021, 5:00 p.m.

Wednesday, July 14, 2021, 1:00 p.m.

Tuesday, July 20, 2021, 5:00 p.m.

ADDRESSES: Comments can be submitted in any of the following ways:

- Delivered by U.S. mail or any other delivery service, enclosed in an envelope labeled, “CVOW–C COP EIS” and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166, or
- Through the *regulations.gov* web portal: Navigate to <http://www.regulations.gov> and search for Docket No. BOEM–2021–0040. Click on the “Comment” button to the right of the document link. Enter your information and comment, then click “Submit.”

FOR FURTHER INFORMATION CONTACT:

Michelle Morin, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787–1340 or michelle.morin@boem.gov.

SUPPLEMENTARY INFORMATION:

Purpose and Need for the Proposed Action

In Executive Order 14008, President Biden stated that it is the policy of the United States “to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.”

Through a competitive leasing process under 30 CFR 585.211, Dominion was awarded Commercial Lease OCS–A 0483 covering an area offshore Virginia (the Lease Area). Dominion has the exclusive right to submit a COP for activities within the Lease Area, and it has submitted a COP to BOEM proposing the construction and installation, operations and maintenance, and conceptual decommissioning of an offshore wind energy facility in the Lease Area.

The goal of CVOW–C is to develop a commercial-scale, offshore wind energy

facility in the Lease Area with up to 205 wind turbine generators, inter-array cables, up to three offshore substations, and two cable landing locations located within existing parking lots in the State Military Reservation, the Croatan Beach Parking Lot in Virginia Beach, or both. The onshore electrical portion of the Project will connect to the PJM regional transmission grid. The Project will contribute to the goals of the 2020 law passed by the Virginia General Assembly, the Virginia Clean Economy Act (VCEA), which supports development of 2,500 to 3,000 megawatts (MW) of clean, reliable offshore wind energy by 2028. Furthermore, Dominion’s stated purpose and need to construct and operate a commercial-scale, offshore wind energy facility in the Lease Area is to help fulfill the Commonwealth of Virginia’s renewable energy goals.

Based on Dominion’s goals and BOEM’s authority, the purpose of BOEM’s action is to respond to Dominion’s COP proposal and determine whether to approve, approve with modifications, or disapprove Dominion’s COP to construct and install, operate and maintain, and decommission a commercial-scale, offshore wind energy facility within the Lease Area (the Proposed Action). BOEM’s action is needed to further the United States policy to make Outer Continental Shelf (OCS) energy resources available for expeditious and orderly development, subject to environmental safeguards (43 U.S.C. 1332(3)), including consideration of natural resources, safety of navigation, and existing ocean uses.

In addition, the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) anticipates receipt of one or more requests for authorization to take marine mammals incidental to activities related to the Project pursuant to the Marine Mammal Protection Act (MMPA). NMFS’s issuance of an MMPA incidental take authorization is a major Federal action and, in relation to BOEM’s action, is considered a connected action (40 CFR 1501.9(e)(1)). The purpose of the NMFS action—which is a direct outcome of Dominion’s request for authorization to take marine mammals incidental to the Project (specifically pile driving)—is to evaluate the information in Dominion’s application pursuant to the MMPA and 50 CFR part 216 and to issue the requested incidental take authorizations, if appropriate. The need for the NMFS action is to consider the impacts of authorizing the requested take on marine mammals and their

habitat. NMFS’s responsibilities under the MMPA (16 U.S.C. 1371(a)(5)(D)) and its implementing regulations establish and frame the need for NMFS’s action. NMFS will be a consulting agency during BOEM’s environmental review of Dominion’s COP and intends to adopt BOEM’s EIS to support any requested MMPA incidental take authorizations.

The U.S. Army Corps of Engineers Norfolk District (USACE) anticipates a permit action to be undertaken through authority delegated to the District Engineer by 33 CFR 325.8, pursuant to section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403) and section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The USACE considers issuance of a permit under these two delegated authorities a major Federal action connected to BOEM’s proposed action (40 CFR 1501.9(e)(1)). The applicant’s stated purpose and need for the Project, as indicated in paragraph 3 of this section, is to provide a commercially viable, offshore wind energy project within the Lease Area to meet Virginia’s need for clean energy. The basic Project purpose, as determined by USACE, is the construction and operation of a commercial-scale, offshore wind energy project, including associated transmission lines, for renewable energy generation and distribution to the PJM energy grid. The USACE will be a consulting agency during BOEM’s environmental review of Dominion’s COP and intends to adopt BOEM’s EIS to support its decision on any permits required under section 10 of the RHA or section 404 of the CWA.

Preliminary Proposed Action and Alternatives

The Proposed Action is the construction and operation of a wind energy facility, as described in the COP submitted by Dominion on the area covered by Lease OCS–A 0483. In its COP, Dominion is proposing to develop the Project to provide between 2,500 and 3,000 MW of clean, reliable offshore wind energy to Virginia consumers.

The Project will involve the construction and operation of up to 205 wind turbine generators (WTG) and associated WTG foundations, up to three offshore substations, up to approximately 301 miles of inter-array cables, and up to two cable onshore landing locations. The onshore electrical portion will connect to the PJM regional transmission grid. The WTG foundations will be monopiles with associated support and access structures. The WTGs, offshore substations, and inter-array cables will be located within the Lease Area on the

OCS approximately 27 statute miles offshore Virginia Beach. The offshore export cables will be buried below the seabed in the OCS and Virginia submerged lands. Export cables and two onshore cable landing locations will be located within existing parking lots at the State Military Reservation (), Croatan Beach in Virginia Beach, or both.

In addition to the Proposed Action and the no action alternative, potential alternatives that the draft EIS could analyze include no-surface occupancy areas within the Lease Area, navigation corridors within the Lease Area, and time of year restrictions during construction. Reasonable alternatives that are identified during the scoping period will be evaluated in the draft EIS. Under the no action alternative, BOEM would disapprove the COP, and Dominion's wind energy facility described in the COP would not be built in the Lease Area.

Once BOEM completes the EIS and associated consultations, BOEM will decide whether to approve, approve with modification, or disapprove Dominion's COP. If BOEM approves the COP and the Project is constructed, the lessee must submit a plan, before the end of the lease term, to decommission the facilities.

Summary of Expected Impacts

The draft EIS will identify and describe the potential effects of the Proposed Action on the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the Proposed Action. This includes such effects that occur at the same time and place as the Proposed Action or alternatives and such effects that are later in time or occur in a different place. Expected potential impacts may include, but are not limited to, impacts (both beneficial and adverse) to air quality, water quality, bats, benthic habitat, essential fish habitat, invertebrates, finfish, birds, marine mammals, terrestrial and coastal habitats and fauna, sea turtles, wetlands and other waters of the United States, commercial fisheries and for-hire recreational fishing, cultural resources, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other marine uses, recreation and tourism, and visual resources. These expected potential impacts will be analyzed in the draft and final EIS.

Based on a preliminary evaluation of the resources listed above, BOEM expects potential impacts to sea turtles and marine mammals from underwater

noise caused by construction and from collisions with Project-related vessel traffic. Structures installed by the Project could permanently change benthic habitat and other fish habitat. Commercial fisheries and for-hire recreational fishing may be impacted. Project structures above the water may affect the visual character that defines historic properties and recreation and tourism areas. Project structures could pose an allision and height hazard to vessels passing close by, and vessels could in turn pose a hazard to the structures. Additionally, the Project may adversely impact military use, air traffic, land-based radar services, cables and pipelines, scientific surveys, and any future mineral extraction. Beneficial impacts are also expected by facilitating achievement of State renewable energy goals, increasing job opportunities, improving air quality, and reducing carbon emissions. The EIS will analyze measures that would avoid, minimize, or mitigate potential environmental effects.

Anticipated Permits and Authorizations

In addition to the requested COP approval, various other Federal, State, and local authorizations will be required for the Project. In addition to those previously discussed (*i.e.*, NHPA, MMPA, RHA, and CWA), these include authorizations under the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, and other laws and regulations determined to be applicable to the Project. BOEM will also conduct government-to-government consultations with federally recognized tribes. For a full listing of regulatory requirements applicable to the CVOW-C Project, please see the COP, volume I available at <https://www.boem.gov/CVOW-C>.

BOEM has chosen to use the NEPA substitution process to fulfill its obligations under NHPA. While BOEM's obligations under NHPA and NEPA are independent, the regulations implementing NHPA allow for the use of NEPA review to substitute for various aspects of NHPA's section 106 (54 U.S.C. 306108) review to improve efficiency, promote transparency and accountability, and support a broadened discussion of potential effects that a project may have on the human environment. As provided in 36 CFR 800.8(c), the NEPA process and documentation required for the preparation of an EIS and record of decision (ROD) can be used to fulfill a lead Federal agency's NHPA section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3

through 800.6. During preparation of the EIS, BOEM will ensure that the NEPA substitution process will meet its NHPA obligations in a manner that successfully utilizes this alternative process.

Schedule for the Decision-Making Process

After the draft EIS is completed, BOEM will publish a notice of availability (NOA) and request public comments on the draft EIS. BOEM expects to issue the NOA in August 2022. After the public comment period ends, BOEM will review and respond to comments received and will develop the final EIS. BOEM expects to make the final EIS available to the public in May 2023. A ROD will be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

Scoping Process: This NOI commences the public scoping process for identifying issues and potential alternatives for consideration in the CVOW-C EIS. Throughout the scoping process, Federal agencies; State, tribal, and local governments; and the general public have the opportunity to help BOEM determine significant resources and issues, impact-producing factors, reasonable alternatives (*e.g.*, size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS as well as to provide additional information.

In the interests of efficiency, completeness, and facilitating public involvement, BOEM will use the NEPA process to fulfill NHPA's public involvement requirements under 36 CFR 800.2(d). BOEM will involve the public, State and local governments, Indian tribes, and Dominion as consulting parties under NHPA. Also, BOEM will identify potential consulting parties by considering all written requests from individuals and organizations to participate as consulting parties.

BOEM will hold virtual public scoping meetings for the CVOW-C EIS at the following dates and times (eastern):

- Monday, July 12, 2021, 5:00 p.m.;
- Wednesday, July 14, 2021, 1:00 p.m.; and
- Tuesday, July 20, 2021, 5:00 p.m.

Registration for the virtual public meetings may be completed here: <https://www.boem.gov/CVOW-C-Scoping-Virtual-Meetings>.

NEPA Cooperating Agencies: BOEM invites other Federal agencies and State, tribal, and local governments to

consider becoming cooperating agencies in the preparation of this EIS. The Council on Environmental Quality's (CEQ) NEPA-implementing regulations specify that qualified agencies and governments are those with "jurisdiction by law or special expertise." Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and should be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process.

Upon request, BOEM will provide potential cooperating agencies with a written summary of expectations for cooperating agencies, including time schedules, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of pre-decisional information. BOEM anticipates this summary will form the basis for a memorandum of agreement between BOEM and any non-Department of the Interior cooperating agency. Agencies also should consider the factors for determining cooperating agency status in CEQ's January 30, 2002, memorandum entitled "Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act." This document is available at: http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf.

BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. Even if a governmental entity is not a cooperating agency, it will have opportunities to provide information and comments to BOEM during the public input stages of the NEPA process.

NHPA Consulting Parties: Certain individuals and organizations with a demonstrated interest in the Project may request to participate as NHPA consulting parties under 36 CFR 800.2(c)(5) based on their legal or economic stake in historic properties affected by the Project. Additionally, the same provision allows those with concerns about the Project's effect on historic properties to request to be consulting parties.

Before issuing this NOI, BOEM compiled a list of potential consulting parties and invited them in writing to become consulting parties. To become a consulting party, those invited must respond in writing, preferably by the requested response date.

Interested individuals or organizations that did not receive an invitation may request to be consulting

parties by writing to the appropriate staff at ICF Consulting (ICF), which is supporting BOEM in its administration of this review. ICF's contact for this Project is Susan Lassell at Susan.Lassell@icf.com or 916-231-7612. BOEM will determine which interested parties should be NHPA consulting parties.

Comments: Federal agencies, tribal, State, and local governments, and other interested parties are requested to comment on the scope of this EIS, significant issues that should be addressed, potential mitigation measures that should be included, and alternatives that should be considered. For information on how to submit comments, see the **ADDRESSES** section above.

BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including the names, addresses, and other personally identifiable information included in the comment, available for public review online. Individuals may request that BOEM withhold their names, addresses, and other personally identifiable information from the public record; however, BOEM cannot guarantee that it will be able to do so. For BOEM to withhold from disclosure your personally identifiable information, you must identify any information contained in your comment that, if released, would constitute a clearly unwarranted invasion of your privacy. You also must briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

BOEM requests data, comments, views, information, analysis, alternatives, or suggestions on the Proposed Action from the public; affected Federal, State, tribal, and local governments, agencies, and offices; the scientific community; industry; or any other interested party. Specifically:

1. Potential effects that the Proposed Action could have on biological resources, including bats, birds, coastal fauna, finfish, invertebrates, essential fish habitat, marine mammals, and sea turtles.

2. Potential effects that the Proposed Action could have on physical resources, including air quality, water quality, and wetlands and other waters of the United States.

3. Potential effects that the Proposed Action could have on socioeconomic and cultural resources, including commercial fisheries and for-hire recreational fishing, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other uses (marine minerals, military use, aviation), recreation and tourism, and scenic and visual resources.

4. Other possible reasonable alternatives to the Proposed Action that BOEM should consider, including additional or alternative avoidance, minimization, and mitigation measures.

5. As part of its compliance with NHPA section 106 and its implementing regulations (36 CFR part 800), BOEM seeks public comment and consulting parties input regarding the identification of historic properties within the Proposed Action's area of potential effects and the potential effects to those historic properties from the activities proposed under the COP. BOEM also solicits proposed measures to avoid, minimize, or mitigate any adverse effects on historic properties. Consistent with confidentiality requirements, BOEM will present available information regarding known historic properties during the public scoping period. BOEM's effects analysis for historic properties will be available for public and consulting party comment in the draft EIS.

6. Information on other current or planned activities in, or in the vicinity of, the Proposed Action and possible impacts on the Project or the Project's impacts on those activities.

7. Other information relevant to the Proposed Action and its impacts on the human environment.

To promote informed decision-making, comments should be as specific as possible and should provide as much detail as necessary to allow a commenter's meaningful participation and fully inform BOEM of the commenter's position. Comments should explain why the issues raised are important to the consideration of potential environmental impacts and alternatives to the Proposed Action, as well as economic, employment, and other impacts affecting the quality of the human environment.

The draft EIS will include a summary of all alternatives, information, and analyses submitted for consideration by BOEM during the scoping process.

Authority: This NOI is published pursuant to NEPA, 42 U.S.C. 4321 *et seq.*, and 40 CFR 1501.9.

William Yancey Brown,

Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2021-14220 Filed 7-1-21; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR85672000, 21XR0680A2,
RX.31480001.0040000; OMB Control
Number 1006-0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Recreation Survey Questions

AGENCY: Bureau of Reclamation,
Interior.

ACTION: Notice of information collection;
request for comments.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, we,
the Bureau of Reclamation
(Reclamation), are proposing to renew
an information collection.

DATES: Interested persons are invited to
submit comments on or before August 2,
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 Review—Open for
Public Comments” or by using the
search function. Please provide a copy
of your comments to Ronnie Baca,
Bureau of Reclamation, Asset
Management Division, 86-67200, P.O.
Box 25007, Denver, CO 80225-0007; or
by email to rbaca@usbr.gov. Please
reference OMB Control Number 1006-
0028 in the subject line of your
comments.

FOR FURTHER INFORMATION CONTACT: To
request additional information about
this information collection request
(ICR), contact Ronnie Baca by email at
rbaca@usbr.gov, or by telephone at (303)
445-3257. Individuals who are hearing
or speech impaired may call the Federal
Relay Service at (800) 877-8339 for TTY
assistance. You may also view the ICR
at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In
accordance with the Paperwork
Reduction Act of 1995 (PRA, 44 U.S.C.

3501 *et seq.*) and 5 CFR 1320.8(d)(1), we
provide the general public and other
Federal agencies with an opportunity to
comment on new, proposed, revised,
and continuing collections of
information. This helps us assess the
impact of our information collection
requirements and minimize the public’s
reporting burden. It also helps the
public understand our information
collection requirements and provide the
requested data in the desired format.

A **Federal Register** notice was
published on January 15, 2021 (86 FR
4118), that allowed for a 60-day public
comment period. Two comments were
received during the public comment
period. One comment did not address
the information collection requirements;
therefore, no response is required. The
second comment and response are
summarized as follows:

Comment: The survey is biased as it
is used by recreationists at reservoirs
and not by the entire United States
population. Reservoirs are not to be
used as wholesale “recreation” and
should be used as drinking water
without the risk of waste.

Response: The mission of the Bureau
of Reclamation is to manage, develop,
and protect water and related resources
in an environmentally and economically
sound manner in the interest of the
American public. Reclamation operates
and maintains its lands and waterbodies
as directed by law. As such, Public Law
89-72, Federal Water Project Recreation
Act of 1965, as amended, states “it is the
policy of Congress and the intent of this
Act that in investigating and planning
any Federal navigation, flood control,
reclamation, hydroelectric, or
multipurpose water resource project
that consideration shall be given to the
opportunities, if any, which the project
affords for outdoor recreation and for
fish and wildlife enhancement and that,
wherever any such project can
reasonably serve either or both of these
purposes consistently with the
provisions of this part, it shall be
constructed, operated, and maintained
accordingly.”. The intent of this survey
and its renewal is to provide the public
a voice on how Reclamation recreation
areas can be improved to better suit
public need and demand.

As part of our continuing effort to
reduce paperwork and respondent
burdens, we are again soliciting
comments from the public and other
Federal agencies on the proposed ICR
that is described below. We are
especially interested in public comment
addressing the following:

(1) Whether or not the collection of
information is necessary for the proper
performance of the functions of the

agency, including whether or not the
information will have practical utility;

(2) The accuracy of our estimate of the
burden for this collection of
information, including the validity of
the methodology and assumptions used;

(3) Ways to enhance the quality,
utility, and clarity of the information to
be collected; and

(4) How might the agency minimize
the burden of the collection of
information on those who are to
respond, including through the use of
appropriate automated, electronic,
mechanical, or other technological
collection techniques or other forms of
information technology, *e.g.*, permitting
electronic submission of response.

Comments that you submit in
response to this notice are a matter of
public record. Before including your
address, phone number, email address,
or other personal identifying
information in your comment, you
should be aware that your entire
comment—including your personal
identifying information—may be made
publicly available at any time. While
you can ask us in your comment to
withhold your personal identifying
information from public review, we
cannot guarantee that we will be able to
do so.

Abstract: Reclamation is responsible
for recreation development at all of its
reservoirs. Presently, there are more
than 240 designated recreation areas on
our lands within the 17 Western States
hosting approximately 40 million
visitors annually. As a result, we must
be able to respond to emerging trends,
changes in the demographic profile of
users, changing values, needs, wants,
and desires, and conflicts between user
groups. Statistically valid and up-to-
date data derived from the user is
essential to developing and providing
recreation programs relevant to today’s
visitor. Reclamation is requesting re-
approval for the collection of data from
recreational users on Reclamation lands
and waterbodies. To meet our needs for
the collection of visitor use data, we
will be requesting OMB to authorize a
two-part request: Survey questions for
our regional offices to choose from, and
a survey form template. This will allow
for a custom designed survey
instrument to fit a specific activity or
recreation site. The custom designed
survey would be created by extracting
questions from the approved list of
survey questions that are applicable to
the recreation area and issue being
evaluated. Only questions included in
the pre-approved list of survey
questions will be used.

Title of Collection: Recreation Survey
Questions.

OMB Control Number: 1006–0028.
Form Number: 7–2675, Recreation
Survey Questions.

Type of Review: Extension of a
currently approved collection.

Respondents/Affected Public:
Respondents to the surveys will be
members of the public engaged in
recreational activities on Reclamation
lands and waterbodies. Visitors will
primarily consist of local residents,
people from large metropolitan areas in
the vicinity of the lake/reservoir, and
people from out of state.

Total Estimated Number of Annual
Respondents: 696.

Total Estimated Number of Annual
Responses: 696.

Estimated Completion Time per
Response: 15 minutes per survey (an
average of 20 questions will be used on
each survey; each question will take
approximately 45 seconds to complete
on average).

Total Estimated Number of Annual
Burden Hours: 140.

Respondent's Obligation: Voluntary.
Frequency of Collection: Twice
annually.

Total Estimated Annual Nonhour
Burden cost: None.

It is estimated that there will be a total
of 140 out of 696 contacts that choose
not to respond to the survey. These non-
respondents account for 1 burden hour
per year.

An agency may not conduct or
sponsor and a person is not required to
respond to a collection of information
unless it displays a currently valid OMB
control number.

The authority for this action is the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501 *et seq.*).

Karen Knight,

Director, Dam Safety and Infrastructure.

[FR Doc. 2021–14192 Filed 7–1–21; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

**Office of Surface Mining Reclamation
and Enforcement**

[S1D1S SS08011000 SX064A000
211S180110; S2D2S SS08011000
SX064A000 21XS501520; OMB Control
Number 1029–0036]

**Agency Information Collection
Activities; Surface Mining Permit
Applications—Minimum Requirements
for Reclamation and Operation Plan**

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the
Paperwork Reduction Act of 1995, we,
the Office of Surface Mining
Reclamation and Enforcement (OSMRE),
are proposing to renew an information
collection.

DATES: Interested persons are invited to
submit comments on or before August 2,
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](http://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. Please provide a copy
of your comments to Mark Gehlhar,
Office of Surface Mining Reclamation
and Enforcement, 1849 C Street NW,
Room 4556–MIB, Washington, DC
20240, or by email to [mgehlhar@
osmre.gov](mailto:mgehlhar@osmre.gov). Please reference OMB
Control Number 1029–0036 in the
subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To
request additional information about
this ICR, contact Mark Gehlhar by email
at mgehlhar@osmre.gov, or by telephone
at (202) 208–2716. You may also view
the ICR at [http://www.reginfo.gov/
public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

SUPPLEMENTARY INFORMATION: In
accordance with the Paperwork
Reduction Act of 1995 (PRA; 44 U.S.C.
3501 *et seq.*) and 5 CFR 1320.8(d)(1), we
provide the general public and other
Federal agencies with an opportunity to
comment on new, proposed, revised,
and continuing collections of
information. This helps us assess the
impact of our information collection
requirements and minimize the public's
reporting burden. It also helps the
public understand our information
collection requirements and provide the
requested data in the desired format.

A **Federal Register** notice with a 60-
day public comment period soliciting
comments on this collection of
information was published on March
24, 2021 (86 FR 15697). No comments
were received.

As part of our continuing effort to
reduce paperwork and respondent
burdens, we are again soliciting
comments from the public and other
Federal agencies on the proposed ICR
that is described below. We are
especially interested in public comment
addressing the following:

(1) Whether or not the collection of
information is necessary for the proper
performance of the functions of the
agency, including whether or not the
information will have practical utility;

(2) The accuracy of our estimate of the
burden for this collection of
information, including the validity of
the methodology and assumptions used;

(3) Ways to enhance the quality,
utility, and clarity of the information to
be collected; and

(4) How might the agency minimize
the burden of the collection of
information on those who are to
respond, including through the use of
appropriate automated, electronic,
mechanical, or other technological
collection techniques or other forms of
information technology, *e.g.*, permitting
electronic submission of response.

Comments that you submit in
response to this notice are a matter of
public record. Before including your
address, phone number, email address,
or other personal identifying
information in your comment, you
should be aware that your entire
comment—including your personal
identifying information—may be made
publicly available at any time. While
you can ask us in your comment to
withhold your personal identifying
information from public review, we
cannot guarantee that we will be able to
do so.

Abstract: Sections 507(b), 508(a),
510(b), 515(b) and (d), and 522 of 30
U.S.C. 1201 *et seq.* require applicants to
submit operation and reclamation plans
for coal mining activities. This
information collection is needed to
determine whether the plans will
achieve the reclamation and
environmental protections pursuant to
the Surface Mining Control and
Reclamation Act. Without this
information, Federal and State
regulatory authorities cannot review and
approve permit application requests.

Title of Collection: Surface Mining
Permit Applications—Minimum
Requirements for Reclamation and
Operation Plan.

OMB Control Number: 1029–0036.
Form Number: None.

Type of Review: Extension of a
currently approved collection.

Respondents/Affected Public: State
governments and businesses.

Total Estimated Number of Annual
Respondents: 100.

Total Estimated Number of Annual
Responses: 3,091.

Estimated Completion Time per
Response: Varies from 2 hours to 160
hours, depending on activity.

Total Estimated Number of Annual
Burden Hours: 96,158.

Respondent's Obligation: Required to
obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour
Burden Cost: \$791,900.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

*Information Collection Clearance Officer,
Division of Regulatory Support.*

[FR Doc. 2021-14233 Filed 7-1-21; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000
211S180110; S2D2S SS08011000
SX064A000 21XS501520; OMB Control
Number 1029-0061]

Agency Information Collection Activities; Permanent Regulatory Program—Small Operator Assistance Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 2, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556-MIB, Washington, DC 20240, or by email to mgehlhar@osmre.gov. Please reference OMB Control Number 1029-0061 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at mgehlhar@osmre.gov, or by telephone at (202) 208-2716. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on April 5, 2021 (86 FR 17639). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This information collection requirement is needed to provide assistance to qualified small mine operators under 30 U.S.C. 1257. The

information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

Title of Collection: Permanent Regulatory Program—Small Operator Assistance Program.

OMB Control Number: 1029-0061.

Form Number: FS-6.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and state governments.

Total Estimated Number of Annual Respondents: 4.

Total Estimated Number of Annual Responses: 4.

Estimated Completion Time per Response: Varies from 1 hour to 70 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 93.

Respondent’s Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: \$0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

*Information Collection Clearance Officer,
Division of Regulatory Support.*

[FR Doc. 2021-14234 Filed 7-1-21; 8:45 am]

BILLING CODE 4310-05-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1247]

Certain Wireless Communications Equipment and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation in Its Entirety; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 9) terminating the investigation based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Office of the

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket 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 <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the present investigation on February 12, 2021, based on a complaint and supplement thereto filed by Samsung Electronics Co., Ltd. of Gyeonggi-do, Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, "Complainants"). 85 FR 9370-71 (Feb. 12, 2021). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation, sale for importation, and sale in the United States after importation of certain wireless communications equipment and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,041,074; U.S. Patent No. 9,521,616; U.S. Patent No. 9,736,772; and U.S. Patent No. 10,797,405. *Id.* at 9371. The complaint further alleged that an industry in the United States exists or is in the process of being established, as required by section 337. *Id.* The notice of investigation named Ericsson AB of Stockholm, Sweden, and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden, and Ericsson Inc., of Plano, Texas. *Id.*

On May 14, 2021, the parties filed a joint motion to terminate the investigation based on settlement. The parties represent that "there are no other agreements, written or oral, expressed or implied between Samsung and Ericsson concerning the subject matter of the investigation." *See ID* at 2.

On June 10, 2021, the presiding administrative law judge issued Order No. 9, granting the joint motion to terminate the investigation. The ID finds that the motion complies with the requirements of Commission Rule 210.21(19 CFR 210.21) and there will not be a negative impact on the public interest. No party filed a petition for review of the ID.

The Commission has determined not to review this ID. The investigation is terminated.

The Commission vote for this determination took place on June 28, 2021.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 28, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-14149 Filed 7-1-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Spring Valley Family Pharmacy; Decision and Order

On April 12, 2021, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, Government), issued an Order to Show Cause (hereinafter, OSC) to Spring Valley Family Pharmacy (hereinafter, Registrant) of Gallipolis, Ohio. OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration (hereinafter, registration) No. FS7068249. *Id.* It alleged that Registrant "currently lacks state authority to handle controlled substances." *Id.* (citing 21 U.S.C. 824(a)(3)).

Specifically, the OSC alleged that on or about October 2, 2020, Registrant permanently and voluntarily surrendered its Ohio state pharmacy license to the State of Ohio Board of Pharmacy with the surrender effective on October 5, 2020. *Id.* at 2. According to the OSC, Registrant permanently and voluntarily surrendered its Ohio state pharmacy license "after its owner and primary operator, Brandon O'Callaghan, permanently and voluntarily surrendered his state pharmacist license after testing positive for controlled substances in violation of a Board Order." *Id.* The OSC concluded that because Registrant is "currently without authority to handle controlled substances in Ohio, the state in which [Registrant] is registered with DEA. . . . DEA must revoke [Registrant's] registration. . . ." *Id.*

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written

statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 2-3 (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

Adequacy of Service

In a Declaration dated June 8, 2021, a Diversion Investigator (hereinafter, the DI) assigned to the Charleston District Office, Louisville Field Division, stated that she and a Tactical Diversion Squad Group Supervisor traveled to the residence of Brandon O'Callaghan, the former owner and pharmacist for Spring Valley Family Pharmacy, in Winfield, West Virginia on April 26, 2021. Request for Final Agency Action, dated June 9, 2021 (hereinafter, RFAA), Exhibit (hereinafter, RFAAX) 3 at 1. The DI stated that on that date, she "personally handed Mr. O'Callaghan a copy of the [OSC]." *Id.* The DI also stated that "Mr. O'Callaghan signed Form DEA-12 Receipt for Cash or Other Items, which indicated that he received a copy of the [OSC]." *Id.* In her Declaration, the DI included a true and correct copy of the DEA-12 that Mr. O'Callaghan signed. RFAAX 3, Appendix (hereinafter, App.) A.

The Government forwarded its RFAA, along with the evidentiary record, to this office on June 10, 2021. In its RFAA, the Government represents that "[Registrant] has not submitted a timely request for a hearing in this matter." ¹ RFAA, at 1.

The Government seeks to "revoke the [DEA COR] of [Registrant] because [Registrant] lacks authority to handle controlled substances in the State of Ohio, the state where [Registrant] is registered with DEA." *Id.* The Government requests that the Administrator revoke Registrant's DEA registration. *Id.* at 5.

Based on the DI's Declaration, the Government's written representations, and my review of the record, I find that the Government accomplished service of the OSC on Registrant on April 26, 2021. I also find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations, I find that neither Registrant, nor anyone purporting to represent the Registrant, requested a hearing, submitted a written statement while waiving Registrant's

¹ The Government included a second DI Declaration, dated June 9, 2021, in its RFAA, which stated that "DEA has not received any correspondence from Spring Valley Family Pharmacy concerning the [OSC]." RFAAX 4, at 2.

right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

Findings of Fact

Registrant's DEA Registration

Registrant is the holder of DEA Certificate of Registration No. FS7068249 at the registered address of 448 Jackson Pike, Gallipolis, OH 45631. RFAAX 1 (Certificate of Registration). Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II through V as a retail pharmacy. *Id.*

The Status of Registrant's State License

On October 5, 2020, the State of Ohio Board of Pharmacy (hereinafter, Board) issued a "Settlement Agreement with the State of Ohio Board of Pharmacy" (hereinafter, Settlement Agreement). RFAAX 4, App. A. According to the Settlement Agreement, the Board had initiated an investigation of Registrant, a pharmacy licensed as a "Terminal Distributor of Dangerous Drugs," and Brandon O'Callaghan, owner and operator of Registrant, related to Mr. O'Callaghan's "illicit drug usage and failure to ensure [Registrant] [met] minimum standards and maintained sanitary compounding area conditions to ensure public safety." *Id.* at 1. The Settlement Agreement states that on or about June 19, 2019, the Board sent Registrant a Summary Suspension/ Notice of Opportunity for Hearing and that Registrant subsequently requested a hearing by and through counsel on or about July 15, 2019. *Id.* The hearing was held on or about November 5, 2019, and resulted in a Board Order that placed both Registrant's license and Mr. O'Callaghan's license on indefinite suspension subject to certain conditions. *Id.* at 2. According to the Settlement Agreement, on or about January 8, 2020, Mr. O'Callaghan violated the terms of the Order by "testing positive for amphetamine (454 ng/ml) and methamphetamine (2368 ng/ml)." *Id.* According to the Settlement Agreement, Mr. O'Callaghan subsequently surrendered his pharmacy license on May 5, 2020, and thus Registrant "no longer [had] a Responsible Person or owner that [was] lawfully allowed to possess" its license. *Id.* Under the terms of the Settlement

Agreement, Registrant permanently and voluntarily surrendered to the Board its license and registration. *Id.* at 2.

According to Ohio's online records, of which I take official notice, Registrant's state pharmacy license remains inactive.² https://elicense.ohio.gov/OH_HomePage (last visited date of signature of this Order). Accordingly, I find that Registrant is not currently licensed to dispense controlled substances in Ohio, the state in which Registrant is registered with the DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA) "upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.*, 76 FR 71,371 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term "practitioner" to mean "a pharmacy . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which [it] practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a

² Under the Administrative Procedure Act, an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary." Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.usdoj.gov.

practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper*, 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.*, 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton*, 43 FR at 27,617.

Under Ohio law, a terminal distributor of dangerous drugs "means a person who is engaged in the sale of dangerous drugs³ at retail . . ." and "includes pharmacies . . . and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist . . . or any other person authorized by the board of pharmacy." Ohio Rev. Code Ann. § 4729.01(Q) (West 2021). Further, Ohio law provides that, other than a licensed terminal distributor of dangerous drugs and other inapplicable exceptions, "no person shall do any of the following: (a) Sell or distribute, at retail, dangerous drugs; (b) possess for sale, at retail, dangerous drugs; (c) possess dangerous drugs." Ohio Rev. Code Ann. § 4729.51(E)(1) (West 2021).

Here, the undisputed evidence in the record is that Registrant surrendered its license as a terminal distributor of dangerous drugs in Ohio. As already discussed, a terminal distributor of dangerous drugs must be licensed to be authorized to possess or distribute controlled substances in Ohio. Thus, because Registrant permanently and voluntarily surrendered its Ohio state pharmacy license and, therefore, is not authorized to dispense controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

³ The definition of "dangerous drugs" includes a drug that "may be dispensed only upon a prescription" under revised code section 3719. Ohio Rev. Code Ann. § 3719.41 states that the state board of pharmacy shall adopt rules establishing the schedules of controlled substances "incorporating the five schedules of controlled substances under the federal drug abuse control laws."

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FS7068249 issued to Spring Valley Family Pharmacy. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of Spring Valley Family Pharmacy to renew or modify this registration, as well as any other pending application of Spring Valley Family Pharmacy for additional registration in Ohio. This Order is effective August 2, 2021.

D. Christopher Evans,
Acting Administrator.

[FR Doc. 2021-14165 Filed 7-1-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-829]

**Importer of Controlled Substances
Application: United States
Pharmacopeial Convention**

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: United States Pharmacopeial Convention has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 2, 2021. Such persons may also file a written request for a hearing on the application on or before August 2, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 24, 2021, United States Pharmacopeial Convention, 7135 English Muffin Way, Frederick, Maryland 21704, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Methaqualone	2565	I
Lysergic acid diethylamide	7315	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
3,4-Methylenedioxyamphetamine	7400	I
4-Methoxyamphetamine	7411	I
Codeine-N-oxide	9053	I
Difenoxin	9168	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Norlevorphanol	9634	I
Methamphetamine	1105	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II
Phenylacetone	8501	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Dihydrocodeine	9120	II
Diphenoxylate	9170	II
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Sufentanil	9740	II

The company plans to import the bulk control substances for distribution as analytical reference standards to its

customers for analytical testing of raw materials.

Approval of permit applications will occur only when the registrant's business activity is consistent with what

is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,
Assistant Administrator.

[FR Doc. 2021-14210 Filed 7-1-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 19-22]

Keith A. Jenkins, N.P.; Decision and Order

On February 19, 2020, the Drug Enforcement Administration (hereinafter, DEA or Government) Administrative Law Judge Mark M. Dowd (hereinafter, ALJ), issued a Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (hereinafter, RD) on the action to revoke the DEA Certificate of Registration Numbers MJ3401609 and MJ4509331 of Keith A. Jenkins, N.P. The ALJ transmitted the record to me on March 10, 2020. Having reviewed and considered the entire administrative record before me, I adopt the ALJ's RD with modifications, where noted herein.*^A

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby dismiss the Order to Show Cause issued to Keith A. Jenkins, N.P. I further order that any pending applications for renewal of DEA Certificates of Registration MJ3401609 and MJ4509331 be granted. This Order is effective immediately.

D. Christopher Evans,
Acting Administrator.

Paul Soeffing, Esq., for the Government
Robert W. Liles, Esq. and Meaghan K. McCormick, Esq., for the Respondent

Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge

The Assistant Administrator,
Diversion Control Division, Drug
Enforcement Administration (DEA),

*^AI have made minor, nonsubstantive, grammatical changes to the RD. Where I have made any substantive changes, omitted language for brevity or relevance, or where I have added to or modified the ALJ's opinion, I have bracketed the modified language and explained the edit in a footnote marked with an asterisk and a letter in alphabetical order.

issued an Order to Show Cause (OSC),¹ dated April 23, 2019, seeking to revoke the Respondent's Certificates of Registration (COR), numbers "MJ3401609 and MJ4509331, pursuant to 21 U.S.C. 824(a)(5), and deny any applications for renewal or modification of such registration and any applications for any other DEA registrations pursuant to 21 U.S.C. 824(a)(5)," because the Respondent has been excluded from participation in a program pursuant to section 1320a-7(a) of Title 42. OSC, at 1. The Respondent requested a hearing on May 16, 2019,² and prehearing proceedings were initiated.³ A hearing was conducted in this matter on November 20, 2019, at the DEA Hearing Facility in Arlington, Virginia.

The issue ultimately to be adjudicated by the Acting Administrator, with the assistance of this recommended decision, is whether the record as a whole establishes by a preponderance of the evidence that the Respondent's subject registration with the DEA should be revoked pursuant to 21 U.S.C. 824(a)(5).

After carefully considering the testimony elicited at the hearing, the admitted exhibits, the arguments of counsel, and the record as a whole, I have set forth my recommended findings of fact and conclusions of law below.

The Allegations

In the OSC, the Government contends that the DEA should revoke the Respondent's DEA COR because he has been excluded from participation in a program pursuant to section 1320a-7(a) of Title 42.

Specifically, the Government alleges the following:

1. Respondent is registered with the DEA as an MLP-nurse practitioner in Schedules II through V under DEA Certificate of Registration MJ3401609, at 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent is also registered with the DEA under DEA Certificate of Registration MJ4509331, at 3909 Woodley Rd., Toledo, OH 43606, with a mailing address of 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent's registrations both expire by their terms on December 31, 2020. *Id.* Prior to the current action, Respondent's DEA Certificates of Registration have not been the subject of disciplinary or other adverse action by the DEA.

2. On August 7, 2017, Respondent entered an "Alford Plea of Guilty to a

Felony" to the offense of "False Statement to Medicaid." On August 11, 2017, the Circuit Court of Fairfax County, Virginia entered its sentencing Order for Respondent's offense of "False Statement for Payment (F)" in violation of Va. Code Section 32.1-314(F) FRD 3337F9. *See Commonwealth of Virginia v. Keith Allen Jenkins*, No. FE-2017-0000711 (Fairfax Cty. Cir. Ct.).

3. Based on Respondent's conviction, the U.S. Department of Health and Human Services, Office of Inspector General ("HHS/OIG"), by letter dated February 28, 2018, mandatorily excluded Respondent from participation in Medicare, Medicaid and all federal health care programs for a minimum period of five years pursuant to 42 U.S.C. 1320a-7(a), effective March 20, 2018. Notwithstanding the fact that the underlying conduct for which the Respondent was convicted had no nexus to controlled substances, the Respondent's mandatory exclusion from Medicare, Medicaid, and all federal health care programs by HHS/OIG warrants revocation of the Respondent's registration pursuant to 21 U.S.C. 824(a)(5). *See, e.g., Richard Hauser, M.D.*, 83 FR 26308 (2018).

The Hearing

Government's Opening Statement

The Government outlined its case in its Opening Statement. The Government seeks the revocation of the Respondent's registrations pursuant to 21 U.S.C. 824(a)(5), as the Respondent has been excluded from a program pursuant to § 1320a-7a of Title 2. Tr. 12. The Government explained that in 2017, the Respondent entered an Alford plea of guilty, to the felony offense of false statement to Medicaid, in the Circuit Court of Fairfax County, Virginia. On the basis of that conviction, in 2018, the Department of Health and Human Resources, Office of Inspector General mandatorily excluded the Respondent from participation in Medicare, Medicaid and all federal health care programs pursuant to 42 U.S.C. 1320a-7(a). The Respondent's exclusion remains in effect. *Id.*

Respondent's Opening Statement

In his Opening Statement, the Respondent noted he has stipulated to all of the operative facts of the case. *Id.* at 13. The Respondent conceded he was convicted as charged, he was excluded from participation from Medicare, Medicaid and all federal health benefit programs, as alleged. Acknowledging the evidentiary burden shift to him, upon the *prima facie* showing of these facts, the Respondent argued that his

¹ ALJ Ex. 1.

² ALJ Ex. 2.

³ ALJ Ex. 3.

Registrations should not be revoked as that would be inconsistent with the public interest. The Respondent argued that he has accepted responsibility for his misconduct, and further that this type of conduct can no longer reoccur, as preventive safeguards are now in place.

Referring to the five operative factors under § 823(f), the Respondent noted that the Respondent has the “backing and support” of the state nursing boards. *Id.* at 14. He is knowledgeable and experienced with respect to controlled substances. He has never been accused of any violation, state or federal, of controlled substance statutes. He has always complied with these statutes. Finally, there is no evidence that any of his “other conduct” could be a threat to the public safety. Thus, in balancing the five factors under § 823(f), the retention of his registrations would not be inconsistent with the public interest. *Id.* at 15.

Government’s Case in Chief

Before presenting witnesses, the Government offered the sworn and notarized COR history for the Respondent, which was admitted without objection. *See* GX 1. The Government otherwise presented its case in chief through the testimony of a single witness. The Government presented the testimony of a Diversion Investigator.

Diversion Investigator (DI)

The DI has worked for the Drug Enforcement Administration for five and a half years and holds a Bachelor’s Degree in Accounting and a Master’s Degree in Business Administration. Tr. 16–17. She has graduated from the 12-week Basic Diversion Investigator School. *Id.* at 17. She has also received advanced diversion investigator training, tactical diversion training, and asset forfeiture training. *Id.* at 18.

The instant investigation commenced when the DEA learned that the Respondent’s Tennessee Nursing license had been suspended by the Tennessee Board of Nursing. *Id.* The DI later learned that the Respondent had been excluded from Medicare, Medicaid and all other federal health care programs by HHS/OIG. The DI obtained a copy of the Respondent’s Alford plea of guilty to the Virginia felony offense of False Statement to Medicaid, a copy of the sentencing order and a copy of the Respondent’s exclusion letter by HHS/OIG. *Id.* at 19–22; GX 3, 4, 5. The DI verified the Respondent’s exclusion by accessing the HHS website. Tr. 23; GX 6. The DI confirmed on the HHS website

the exclusion remained active as of the day of the hearing. Tr. 24.

On cross-examination, the DI conceded the instant case did not involve the diversion of controlled substance, nor was she aware of any such violations by the Respondent. *Id.* at 24–25.

Respondent’s Case in Chief

Keith A. Jenkins, N.P.

The Respondent, Keith A. Jenkins, is a licensed Advanced Practice Registered Nurse in Tennessee and Ohio. *Id.* at 33; RX 1, 7. He holds DEA registrations in Tennessee and Ohio. Tr. 33, 39–40; RX 4. Other than this instant proceeding, the Respondent has never been disciplined or cautioned by the DEA. Tr. 39, 61. The Respondent has never been admonished, reprimanded or disciplined by any of the state nursing boards regarding his prescribing practices. *Id.* at 61. The Respondent has never been convicted of any offense involving controlled substances. *Id.*

His educational background includes an Associate’s Degree in Medical Laboratory Technology from Cumberland College in 1997, an Associate’s Degree in Nursing in 2002, a Master’s Degree in Nursing and Adult Bariatric Nurse Practitioner in 2014, post-Master’s Certificate for Family Nurse Practitioner in 2015, and post-Master’s Certificate for Psychiatric Nurse Practitioner in 2017. *Id.* at 28. The Respondent is currently working on his Doctorate, which he expects to complete by January 2020.

The Respondent is an adjunct faculty member in a nurse practitioner program. *Id.* at 28–29; RX 1. He teaches various courses, including Pharmacology. Tr. 41. He works part-time at two clinics, a bariatric clinic, and a primary care psychiatric clinic. *Id.* at 29. The Respondent typically prescribed controlled substances, Phentermine and Qsymia. At the psychiatric clinic, controlled substances typically prescribed include benzodiazepines, such as Clonazepam. Other controlled substances prescribed there include Alprazolam, Ritalin, and Adderall. *Id.* at 30. The Respondent also volunteers at a free clinic and may prescribe, on average, one opioid per month. *Id.* at 31, 80.

The Respondent reported taking precautions in prescribing controlled substances, including checking the state database for patient drug use pattern or use history. *Id.* at 32. Additionally, he requires drug screens if warranted by the results of the database inquiry, as well as randomly. To remain current with obligations regarding prescribing

controlled substances, the Respondent reported that he attends at least two medical conferences per year, a number of continuing education courses, and receives regulatory updates. *Id.* at 41, 44; RX 9, 10, 11. His adjunct faculty position also requires him to stay current with prescribing protocol.

The Respondent’s Ohio APRN includes the authority to prescribe controlled substances. Tr. 34; RX 7. At the time of the hearing, the Respondent’s authority to prescribe in Ohio was unrestricted. However, the Respondent’s Tennessee license reflected the disciplinary action of probation, requiring some continuing education as a result of the Virginia state court conviction. Tr. 36; RX 8. The Respondent has completed the required continuing education. Tr. 42–43; RX 9, 10, 11. His Tennessee prescribing authority remained unrestricted. Tr. 36, 60. In September 2019, despite disclosing the circumstances surrounding his Virginia conviction, the Respondent obtained South Carolina nursing licensure. *Id.* at 37–38; RX 12. He retains unrestricted prescribing authority in South Carolina. Tr. 38.

As relates to the Respondent’s underlying misconduct, the Respondent worked for Actera Home Health from 2008–2015, as Administrator. *Id.* at 45. He did not generally provide any clinical support or prescribe medication. *Id.*

His employment there ended as a result of an audit by state authorities. The mother of a child patient of the home health service was found to be abusing medication. *Id.* at 46. In response to actions by the service, the mother filed a complaint with state regulators against the home health service, resulting in an investigation and audit. *Id.* Although the investigation revealed no wrongdoing by the service, the audit disclosed a billing discrepancy. A different child patient was signed up for “personal care” services. *Id.* at 47, 71, 73–74. The service used an Electronic Medical Record system (EMR) to maintain treatment records and to bill for services. The Respondent explained that the service’s EMR system could not directly bill Medicaid, so the service used a secondary billing system to bill Medicaid, which auto billed weekly. *Id.* at 48, 70. The secondary billing system would automatically “pull claims over” to it from the EMR. *Id.* at 48, 70–71. Services for this child were initiated and reported in the EMR system, which automatically initiated the Medicaid billing through the secondary billing system. *Id.* at 48, 71, 78. The normal checks and balances within the home

health service involved squaring the care-giver service reports with the billing. *Id.* at 49, 72. If the caregiver reported a cessation of care or change in care, the billing would be ceased or adjusted to reflect that. *Id.* at 78–79. However, in this case, the grandmother/custodian refused to allow care-givers to provide any care at all. As there were no care-giver reports generated, the billing to Medicaid continued automatically. There were no care-giver reports to prompt the review of that patient's billing to Medicaid, [so the audit safeguards never caught the error.] *Id.* at 49, 74–76, 78. The overpayment from Medicaid was approximately \$80,000. *Id.* at 48. When the audit revealed this overpayment, Medicaid audited every patient the service billed Medicaid. No other discrepancies were discovered. *Id.* at 53, 78.

The Respondent entered an Alford plea of guilty to false statement to Medicaid. *Id.* at 50, 52. The Respondent understood at the time of his plea that, as Administrator of the home health service, he was “responsible” for the improper claims to Medicaid, despite that he did not personally enter the claims. *Id.* at 50, 69. His sentence was three years suspended, three years inactive probation, and \$83,027.56 in restitution. *Id.* at 51–52, 63. I asked the Respondent if he realized, at the time he plead guilty, the criminal offense of false statement to Medicaid required the intent of intentional or willful. The Respondent reported that his criminal attorney handled the plea negotiation and recommended the Respondent view the guilty plea as a “business decision.” *Id.* at 68–69. [Respondent stated, “Since they never got a record on him, it never got caught. In hindsight, it was a huge gap on our end or my end, really, that let that slip through.” *Id.* at 49. His attorney asked, “So whose fault was it?” *Id.* “Well, mine.” *Id.*]

Conceding the Government proved its *prima facie* case, the Respondent argued that he should be permitted to keep his CORs. *Id.* at 57. He explained that the incident that gave rise to the felony conviction and the resultant HHS exclusion was [“an isolated incident, it wasn't intentional but [he does] realize that in [his] acting role as administrator, ultimately, it is [his] responsibility.”] *Id.* at 58, 67. The Respondent did not have clinical duties at the service. He did not supervise the line care providers. They were supervised by the nursing director. *Id.* at 77–78. Although he had access to the billing records in the form of an electronic report, his duties did not include reviewing the accuracy of the billing report. *Id.* at 78. The accuracy of the billing was insured by periodic

audits, which failed them in this case. *Id.* The Respondent did not benefit from the overpayment,*^B other than his salary.

For his Tennessee APRN, a physician supervisor is required. *Id.* at 59. The Respondent has a physician supervisor at each clinic where he works. *Id.* at 63–64. Although supervision is required once a month, he works closely with his physician supervisor and sees him weekly. The supervisor critically reviews patient charts and must sign off on each controlled substance prescription. *Id.* at 59. The Respondent reported that his supervisors have yet to reject any of the Respondent's prescriptions. *Id.* at 65.

The Respondent reported that he has not used his Ohio nursing license. He has not worked in Ohio. *Id.* at 66.

The Respondent stated he remains fully compliant with state and federal controlled substance laws and regulations. *Id.* at 61. The Respondent noted he was an infrequent prescriber of controlled substances. *Id.* The Respondent believed it is in the public interest for him to retain his registrations.

The Facts

Stipulations of Fact

The Government and the Respondent have agreed to each of the following stipulations, which I recommend be accepted as fact in these proceedings:

1. Respondent is registered with the DEA as a MLP-nurse practitioner in Schedules II through V under DEA Certificate of Registration MJ3401609 at 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent is also registered with the DEA under DEA Certificate of Registration MJ4509331 at 3909 Woodley Rd., Toledo, OH 43606, with a mailing address of 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent's registrations both expire by their terms on December 31, 2020. Prior to the current action, Respondent's DEA Certificates of Registration have not been the subject to disciplinary or other adverse action by the DEA.

2. From 2006 to 2013, Respondent worked in an administrative, non-clinical, capacity for a Virginia-based home health agency. While employed at the home health agency, the agency was audited by state Medicaid authorities and Respondent's role in the billing of claims for a specific patient were investigated by the state. On August 7, 2017, Respondent entered an “Alford Plea of Guilty to a Felony” to the offense

*^B This fact seems to be reasonably inferred from the record. The clinic paid restitution “immediately once it was identified.” Tr. 52.

of “False Statement to Medicaid.” On August 11, 2017, the Circuit Court of Fairfax County, Virginia, entered its sentencing Order for Respondent's offense of “False Statement of Payment(F)” in violation of Va. Code Section 32.1–314(F) FRD3337F9. *Commonwealth of Virginia v. Keith Allen Jenkins*, No. FE–2017–0000711 (Fairfax Cty. Cir. Ct.). Mr. Jenkins was sentenced to “3 years w/all 3 years suspended.” Furthermore, the Court Ordered that all “3 years [were subject to] inactive probation.” Simply put, Mr. Jenkins was not incarcerated, nor is he required to report to a Probation Officer during the period of his 3-year suspended sentence.

3. Based on Respondent's conviction, the U.S. Department of Health and Human Services, Office of Inspector General (“HHS/OIG”), by letter dated February 28, 2018, mandatorily excluded Respondent from participation in Medicare, Medicaid and all federal health care programs for a minimum period of five years pursuant to 42 U.S.C. 1320a–7(a), effective March 20, 2018.

4. Reinstatement of eligibility to participate in Medicare, Medicaid and all federal health care programs after exclusion by HHS/OIG is not automatic.

5. Respondent is currently excluded from participation in Medicare, Medicaid and all federal health care programs.

6. Restitution in the amount of \$83,027.56 to the Medicaid program was ordered by the Court. The restitution was paid in full by the time of Respondent's Alford Plea filing.

7. On April 23, 2019, the Assistant Administrator, Diversion Control Division, DEA, issued an Order to Show Cause to Respondent, giving Respondent notice of an opportunity to show cause why the DEA should not revoke Respondent's DEA Certificates of Registration Nos. MJ3401609 (Tennessee) and MJ4509331 (Ohio), pursuant to 21 U.S.C. 824(a)(5), and deny any pending application(s) as a practitioner for registration in Schedules II through V, alleging that Respondent has been excluded from participation in all federal health care programs as defined in 21 U.S.C. 824(a)(5).

8. On May 16, 2019, Respondent, through his legal counsel, filed a timely request for administrative hearing in the Matter of Keith A. Jenkins, N.P.

9. On May 17, 2019, the Administrative Law Judge (ALJ) assigned to this case issued the Court's Order for Prehearing Statements to the DEA and Respondent.

10. On May 29, 2019, counsel for the Government filed the Government's

Prehearing Statement. Concurrent with this filing, counsel also filed the Government's Motion for Summary Disposition.

11. On May 30, 2019, Respondent filed an Unopposed Motion for Extension of Time to Submit Respondent's Prehearing Statement and Respondent's Response to the Government's Motion for Summary Disposition.

12. On May 31, 2019, the Court issued its Order Granting Respondent's Unopposed Motion for Extension of Time until June 21, 2019 at 2:00 p.m. EST.

13. Respondent is currently licensed by the Ohio Board of Nursing to practice as an Advanced Practice Registered Nurse (APRN), license number APRN.CNP.021771. The Respondent's Ohio APRN license includes the authority to prescribe.

14. Respondent is currently licensed by the Tennessee Board of Nursing to practice as an Advanced Practice Registered Nurse, license no. 19606. Respondent's Tennessee APRN license is currently on probation but is unrestricted.

15. At this time, Respondent's DEA Certificates of Registration in Ohio and Tennessee are active and he is authorized to prescribe controlled substances in Schedules II through V.

Findings of Fact

The factual findings below are based on a preponderance of the evidence, including the detailed, credible, and competent testimony of the aforementioned witnesses, the exhibits entered into evidence, and the record before me.

1. Respondent is registered with the DEA as a MLP-nurse practitioner in Schedules II through V under DEA Certificate of Registration MJ3401609 at 105 Vanner Rd., Mt. Juliet, TN 37122. Respondent is also registered with the DEA under DEA Certificate of Registration MJ4509331 at 3909 Woodley Rd., Toledo, OH 43606, with a mailing address of 105 Vanner Rd., Mt. Juliet, TN 37122. Stipulation ("Stip.") 1; ALJ Ex. 13 at 10. Respondent's registrations both expire by their terms on December 31, 2020. *Id.* Prior to the current action, Respondent's DEA Certificates of Registration have not been the subject of disciplinary or other adverse action by the DEA. *Id.*

2. On August 7, 2017, Respondent entered an "Alford Plea of Guilty to a Felony" to the offense of "False Statement to Medicaid." Stip. 2; ALJ Ex. 13 at 10. On August 11, 2017, the Circuit Court of Fairfax County, Virginia, entered its sentencing Order

for Respondent's offense of "False Statement for Payment (F)" in violation of Va. Code Section 32.1-314(F) FRD3337F9. *See Commonwealth of Virginia v. Keith Allen Jenkins*, No. FE-2017-0000711 (Fairfax Cty. Cir. Ct.).

3. Based on Respondent's conviction, the U.S. Department of Health and Human Services, Office of Inspector General ("HHS/OIG"), by letter dated February 28, 2018, mandatorily excluded Respondent from participation in Medicare, Medicaid and all federal health care programs for a minimum period of five years pursuant to 42 U.S.C. 1320a-7(a), effective March 20, 2018. Stip. 3; ALJ Ex. 13 at 10-11.

4. Reinstatement of eligibility to participate in Medicare, Medicaid and all federal health care programs after exclusion by HHS/OIG is not automatic. Stip. 4; ALJ Ex. 13 at 11.

5. Respondent is currently excluded from participation in Medicare, Medicaid and all federal health care programs. Stip. 5; ALJ Ex. 13 at 11.

6. Restitution in the amount of \$83,027.56 to the Medicaid program was ordered by the Court. Stip. 6; ALJ Ex. 13, at 11.

7. On April 23, 2019, the Assistant Administrator, Diversion Control Division, DEA issued an Order to Show Cause to Respondent, giving Respondent notice of an opportunity to show cause why the DEA should not revoke Respondent's DEA Certificates of Registration Nos. MJ3401609 (Tennessee) and MJ4509331 (Ohio), pursuant to 21 U.S.C. 824(a)(5), and deny any pending application(s) as a practitioner for registration in Schedules II through V, alleging that Respondent has been excluded from participation in all federal health care programs as defined in 21 U.S.C. 824(a)(5). Stip. 7; ALJ Ex. 13 at 11.

8. On May 16, 2019, Respondent, through his legal counsel, filed a timely request for administrative hearing in the Matter of Keith A. Jenkins, N.P. Stip. 8; ALJ Ex. 13 at 11.

9. On May 17, 2019, the Administrative Law Judge (ALJ) assigned to this case issued the Court's Order for Prehearing Statements to the DEA and Respondent. Stip. 9; ALJ Ex. 13 at 11.

10. On May 29, 2019, counsel for the Government filed the Government's Prehearing Statement. Stip. 10; ALJ Ex. 13 at 11. Concurrent with this filing, counsel also filed the Government's Motion for Summary Disposition. *Id.*

11. Respondent is currently licensed by the Ohio Board of Nursing to practice as an Advanced Practice Nurse (APRN), license number APRN.CNP.021771. Stip. 13; ALJ Ex. 13 at 12.

12. The Respondent's Ohio APRN license includes authority to prescribe. *Id.*

13. Respondent is currently licensed by the Tennessee Board of Nursing to practice as an Advanced Practice Registered Nurse, license no. 19606. Stip. 14; ALJ Ex. 13 at 12. Respondent's Tennessee APRN license is currently on probation but is unrestricted. *Id.*

14. At this time, Respondent's DEA Certificates of Registration in Ohio and Tennessee are active and he is authorized to prescribe controlled substances in Schedules II through V. Stip. 15; ALJ Ex. 13 at 12.

15. Respondent testified that he works at a bariatric clinic where he predominately treats morbid obesity and typically prescribes Phentermine and Qsymia to those patients. Tr. 29.

16. He also works at a primary behavioral health clinic where he treats depression, anxiety, schizophrenia, bipolar disorder, personality disorders, and substance abuse disorders and prescribes benzodiazepines such as Clonazepam and Alprazolam, as well as stimulants such as Ritalin and Adderall. *Id.* at 30.

17. Respondent testified that at both the bariatric clinic and the behavioral health practice where he works, drug screens are performed to ensure that diversion doesn't occur. *Id.* at 32.

18. Respondent testified that although he holds two DEA Certificates of Registration, he does not use his registration for Ohio. *Id.* at 39.

19. Respondent testified that to remain current in his knowledge of, and obligations with respect to, controlled substances and prescribing he attends conferences and takes continuing education. *Id.* at 41-42; RX 9; RX 11.

20. Respondent testified that from 2008 to 2015 he worked at Actera Home Health, which was a home health agency that provided skilled care, private duty and personal care. Tr. 45.

21. Respondent testified that he did not generally provide clinical support at Actera Home Health, nor did he write prescriptions there. *Id.*

22. Respondent testified that the mother of a child receiving services at Actera Home Health lodged a complaint against Actera Home Health. *Id.* at 46.

23. Respondent testified that the complaint was not substantiated. *Id.*

24. During investigation of the complaint by the state of Virginia a billing error was discovered for a different patient. *Id.* at 46, 71.

25. Respondent testified that the billing error was an overpayment of approximately \$80,000. *Id.* at 48.

26. Respondent testified that the service's billing checks-and-balance

system failed to disclose an improper billing to Medicaid. Once the initiation of a patient's treatment is entered into the Electronic Medical Record (EMR), which triggers automatic billing, in this case to Medicaid, that billing continues until a treatment report noting cessation of treatment triggers the termination of billing. Here, the patient's guardian refused treatment for the patient. So, no treatment reports were ever generated and automatic billing to Medicaid continued, despite no treatment being provided. *Id.* at 48, 71, 74.

27. Respondent testified that "it was a huge gap on our end or my end, really, that let that slip through." *Id.* at 49.

28. Respondent testified that the fault was "mine" and that it was "my responsibility." *Id.*

29. Respondent testified that he entered an Alford plea regarding this incident. *Id.* at 29; GX 3.

30. Respondent testified that he entered the Alford plea because "I did not personally go enter these claims, but I am responsible for it as the administrator." Tr. 50.

31. Respondent testified that he was sentenced to three years, but it was suspended and he served no time in jail. *Id.* at 51.

32. Respondent testified that he was put on probation for three years, which remains in effect for another year. *Id.* at 51–52.

33. Respondent testified that the clinic paid restitution of \$83,027.67. *Id.* at 42; GX 3.

34. Respondent testified that his Alford plea resulted in his conviction of a felony for a "false statement to Medicaid." Tr. 52.

35. Respondent testified that he was excluded by the HHS/OIG from Medicare and Medicaid. *Id.* at 54, 57; GX 5.

36. Respondent testified that his false statement to Medicaid "was an isolated incident," "wasn't intentional" but that as administrator "it is my responsibility." Tr. 58.

37. Respondent testified that "[t]he Board of Nursing did not deem me a threat to public welfare and safety" and that he has "no criminal background at all with substances." *Id.*

38. Respondent testified that he "absolutely" accepts responsibility for the misconduct. *Id.* at 58, 67.

39. Respondent testified that he considers his criminal conviction to be a serious violation. *Id.* at 67.

40. Respondent testified that he is remorseful for his violation. *Id.* at 58, 67.

41. Respondent testified that this violation will not happen again because he no longer works in administrative

roles, but instead provides direct patient care and does no billing. *Id.* at 58.

42. Respondent testified that he also has a physician supervisor who provides oversight. *Id.* at 58–59. Respondent testified that, under Tennessee law, his physician supervisor must sign off on every controlled substance prescription that he writes. *Id.* at 59, 65.

43. Respondent testified that his Tennessee nursing license is on probation, but that he has no restrictions on his practice or on prescribing. *Id.* at 60.

44. Respondent testified that none of the allegations against him from the home health agency involved controlled substances. *Id.*

45. Respondent testified that his probation is scheduled to end in August 2020. *Id.* at 64; GX 4.

Analysis

Findings as to Allegations

The Government alleges that the Respondent's COR should be revoked and any pending applications be denied because the Respondent has been excluded from all federal health care programs, pursuant to 21 U.S.C. 824(a)(5). The Agency has held that section 824(a)(5) authorizes the revocation of existing registrations, as well as the denial of applications. *Dinorah Drug Store, Inc.*, 61 FR 15,972 (1996); *Kuen H. Chen, M.D.*, 58 FR 65,401 (1993).

In the adjudication of a revocation or suspension of a DEA COR, DEA has the burden of proving that the requirements for such revocation or suspension are satisfied. 21 CFR 1301.44(e) (2010). Where the Government has sustained its burden and made its *prima facie* case, a respondent must both accept responsibility for his actions and demonstrate that he will not engage in future misconduct. *Patrick W. Stodola, M.D.*, 74 FR 20,727, 20,734 (2009). Acceptance of responsibility and remedial measures are assessed in the context of the "egregiousness of the violations and the [DEA's] interest in deterring similar misconduct by [the] Respondent in the future as well as on the part of others." *David A. Ruben, M.D.*, 78 FR 38,363, 38,364 (2013). Where the Government has sustained its burden, that registrant must present sufficient mitigating evidence to assure the Acting Administrator that he/she can be entrusted with the responsibility commensurate with such a registration. *Medicine Shoppe-Jonesborough*, 73 FR 364, 387 (2008).

The burden of proof at this administrative hearing is a

preponderance-of-the-evidence standard. *Steadman v. SEC*, 450 U.S. 91, 100–01 (1981). The Acting Administrator's factual findings will be sustained on review to the extent they are supported by "substantial evidence." *Hoxie v. DEA*, 419 F.3d 477, 481 (6th Cir. 2005). The Supreme Court has defined 'substantial evidence' as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Consolidated Edison Co. of New York v. National Labor Relations Board*, 305 U.S. 197, 229 (1938). While "the possibility of drawing two inconsistent conclusions from the evidence" does not limit the Acting Administrator's ability to find facts on either side of the contested issues in the case, *Shatz v. U.S. Dep't of Justice*, 873 F.2d 1089, 1092 (8th Cir. 1989); *Trawick v. DEA*, 861 F.2d 72, 77 (4th Cir. 1988), all "important aspect[s] of the problem," such as a respondent's defense or explanation that runs counter to the Government's evidence must be considered. *Wedgewood Vill. Pharmacy v. DEA*, 509 F.3d 541, 549 (D.C. Cir. 2007); *Humphreys v. DEA*, 96 F.3d 658, 663 (3rd Cir. 1996). The ultimate disposition of the case must be in accordance with the weight of the evidence, not simply supported by enough evidence to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury. *Steadman*, 450 U.S. at 99 (internal quotation marks omitted).

Regarding the exercise of discretionary authority, the courts have recognized that gross deviations from past agency precedent must be adequately supported, *Morall v. DEA*, 412 F.3d 165, 183 (D.C. Cir. 2005), but mere unevenness in application does not, standing alone, render a particular discretionary action unwarranted. *Chein v. DEA*, 533 F.3d 828, 835 (D.C. Cir. 2008) (citing *Butz v. Glover Livestock Comm'n Co.*, 411 U.S. 182, 188 (1973)). It is well-settled that since the Administrative Law Judge has had the opportunity to observe the demeanor and conduct of hearing witnesses, the factual findings set forth in this recommended decision are entitled to significant deference, *Universal Camera Corp. v. NLRB*, 340 U.S. 474, 496 (1951), and that this recommended decision constitutes an important part of the record that must be considered in the Acting Administrator's decision. *Morall*, 412 F.3d at 179. However, any recommendations set forth herein regarding the exercise of discretion are by no means binding on the Acting Administrator and do not limit the

exercise of that discretion. 5 U.S.C. 557(b) (2006); *River Forest Pharmacy, Inc. v. DEA*, 501 F.2d 1202, 1206 (7th Cir. 1974); *Attorney General's Manual on the Administrative Procedure Act* 8 (1947).

Exclusion Under 42 U.S.C. 1320a-7(a)

The Government has alleged that the Respondent has been excluded from participation in a program pursuant to section 1320a-7(a) of Title 42. The Government can meet its burden under § 824(a)(5) simply by advancing evidence that the registrant has been excluded from a federal health care program under 42 U.S.C. 1320a-7(a). *Johnnie Melvin Turner, M.D.*, 67 FR 71,203 (2002); *Dinorah Drug Store, Inc.*, 61 FR at 15,973. The Administrator has sanctioned registrants where the Government introduced evidence of a registrant/applicant's plea agreement and judgment, and the resulting letter of exclusion from the U.S. Department of Health and Human Services, Office of Inspector General, imposing mandatory exclusion under section 1320a-7(a). See *Richard Hauser, M.D.*, 83 FR 26,308 (2018).

Additionally, the Agency has consistently held that the underlying conviction that led to mandatory exclusion does not need to involve controlled substances to support a revocation or denial. See, e.g., *Mohammed Asgar, M.D.*, 83 FR 29,569 (2018); *Narciso A. Reyes, M.D.*, 83 FR 61,678 (2018); *Richard Hauser, M.D.*, 83 FR at 26,308; *Orlando Ortega-Ortiz, M.D.*, 70 FR 15,122 (2005); *Juan Pillot-Costas, M.D.*, 69 FR 62,804 (2004). However, evidence that the underlying conviction does not relate to controlled substances can be used in mitigation. *Mohammed Asgar, M.D.*, 83 FR at 29,573 (noting respondent's conviction "did not involve the misuse of his registration to handle controlled substances"); *Kwan Bo Jin, M.D.*, 77 FR 35,021, 35,027 (2012) (showing a lack of evidence concerning respondent's "prescribing practices").[] *C

Government's Burden of Proof and Establishment of a Prima Facie Case

Based upon my review of the allegation by the Government, it is necessary to determine if it has met its *prima facie* burden of proving the requirements for a sanction pursuant to 21 U.S.C. 824(a).

It is clear from the stipulations, the Government's evidence, and the Respondent's position in this matter that there is no controversy between the parties that the Respondent was

convicted of the underlying criminal charge in Virginia State court, and was subsequently mandatorily excluded from all federal health care programs by HHS/OIG, pursuant to 42 U.S.C. 1320a-7(a). The Government's evidence clearly demonstrates the necessary elements of proof under 21 U.S.C. 824(a)(5) and I find that the Government has established a *prima facie* case for revocation of the Respondent's COR and denial of any pending applications.

Therefore, the remaining issue, and the central focus for determination in this matter, is whether the Respondent has sufficiently demonstrated that he has accepted responsibility for his actions, has demonstrated remorse and taken sufficient rehabilitative and remedial steps, to demonstrate to the Acting Administrator that he can be entrusted to maintain his COR. *Kwan Bo Jin, M.D.*, 77 FR at 35,021. The Agency must determine whether revocation is the appropriate sanction "to protect the public from individuals who have misused controlled substances or their DEA Certificate of Registration and who have not presented sufficient mitigating evidence to assure the Administrative that they can be trusted with the responsibility carried by such a registration." *Jeffrey Stein, M.D.*, 84 FR 46,968, 46,973 (2019) (quoting *Leo R. Miller, M.D.*, 53 FR 21,931, 21,932 (1988)). "The Agency also looks to the nature of the crime in determining the likelihood of recidivism and the need for deterrence." *Id.* In determining whether and to what extent a sanction is appropriate, consideration must be given to both the egregiousness of the offenses established by the Government's evidence and the Agency's interest in both specific and general deterrence. *David A. Ruben, M.D.*, 78 FR 38,363, 38,364, 38,385 (2013).[] *D

Acceptance of Responsibility and Rehabilitative Measures

The Government's *prima facie* burden having been met, [] *E the Respondent must present sufficient mitigating evidence to assure the Administrator that he can be entrusted with the responsibility incumbent with such registration. *Medicine Shoppe-Jonesborough*, 73 FR 364, 387 (2008); *Samuel S. Jackson*, 72 FR 23,848, 23,853 (2007).[] *F

The egregiousness and extent of an applicant's misconduct are significant factors in determining the appropriate

*D Analysis of public interest factors omitted for relevance.

*E Omitted text for clarity.

*F Omitted additional public interest analysis.

sanction. See *Jacobo Dreszer*, 76 FR 19,386, 19,387-88 (2011) (explaining that a respondent can "argue that even though the Government has made out a prima facie case, his conduct was not so egregious as to warrant revocation"); *Paul H. Volkman*, 73 FR 30,630, 30,644 (2008); *Gregory D. Owens*, 74 FR 36,751, 36,757 n.22 (2009).

Since the discovery of the overpayment, the Respondent has maintained a consistent posture of acknowledging the impropriety and illegality of his actions, and of cooperation with the Government in resolving the matter.*G He has fully accepted responsibility for his conduct, which led to the underlying criminal conviction, both in his criminal prosecution, as well as in the instant proceeding. Tr. 58, 67; FoF 37. The Respondent testified credibly during the hearing when asked if he accepted responsibility for his misconduct: "Absolutely. If I could go back and fix it, I would." Tr. 58. When directly asked by Government counsel during cross-examination if he accepted responsibility, he stated, "absolutely." *Id.* at 67; FoF 37. The Respondent has further demonstrated remorse for his crime. Tr. 67; FoF 39.

[Moreover, it is noted that Respondent's crime did not directly benefit Respondent and appears to have been a mistake that Respondent was not aware was occurring. Even so, Respondent did not at any point attempt to shift the blame to anyone, he never tried to cover up his offense or lie, and he credibly maintained that even though his actions were unintentional and indirect, he was still fully responsible in his role as the Administrator for a mistake that happened under his watch. Respondent credibly demonstrated remorse, and I find that he unequivocally accepted responsibility. When asked how much restitution he

*G At the advice of his attorney, Respondent entered an Alford plea of guilty to the felony offense of false statement to Medicaid. Although entering this type of plea could be viewed as mitigating his actions, I do not find this to diminish Respondent's acceptance of responsibility in this case. When asked if he had realized that the offense involved knowing or willful intent, Respondent replied that his attorney had handled the plea negotiation and had recommended that he view the Alford plea as a "business decision." Tr. at 68-69. With regard to his Alford plea specifically, he stated, "my interpretation of it was essentially that I did not personally go enter these claims, but I am responsible for it as the administrator." *Id.* at 50. As such, I find that Respondent made it clear that he was following the legal advice that his lawyer had given him regarding a particular legal element of his offense and that his understanding was that he was still taking responsibility. Therefore, in spite of Respondent's Alford plea, I find that he consistently and completely accepted responsibility.

*C Language omitted for clarity.

paid as a result of his criminal sentence, he answered precisely to the cent. Tr. 51. When he talked about the mistake in the billing, he corrected himself when he initially said “we,” and stated unequivocally that it was “really” him. *Id.* 49. In a situation such as this one that involved a mistake, it would have been very easy for Respondent to have shifted the blame or mitigated the circumstances surrounding his crime, but he unfalteringly maintained that it was his responsibility.]^{*H}

Additionally, Respondent has consistently demonstrated that he has taken the necessary steps to correct the error. The Respondent has returned to clinical care, and is not involved in billing or any other administrative responsibility. [Respondent recognized that he should not hold a management or administrative position and Respondent changed his practice area. By doing so, Respondent has made the effort to ensure that there is no recurrence of his mistake in the future. I find this to be further evidence of his acceptance of responsibility that demonstrates that he has taken active steps to prevent future mistakes. He also attends a few conferences a year, receives regulatory update mailings, and stated that his role as adjunct faculty “forces [him] to stay current.” *Id.* at 41.]^{*I}

Although correcting improper behavior and practices is very important to establish acceptance of responsibility, conceding wrongdoing is critical to reestablishing trust with the Agency. *Holiday CVS, L.L.C.*, 77 FR 62,316, 62,346 (2012); *Daniel A. Glick, D.D.S.*, 80 FR at 74,801. Based upon the evidence presented, I find that the Respondent has demonstrated the full measure of acceptance of responsibility, and has fully demonstrated that he is remorseful for his actions and has taken considerable steps to ensure that this conduct will not be repeated.

Loss of Trust

Where the Government has sustained its burden and established that a registrant has committed acts inconsistent with the public interest, that registrant must present sufficient mitigating evidence to assure the Acting Administrator that he can be entrusted with the responsibility commensurate with such a registration. *Medicine Shoppe*, 73 FR at 387.

As demonstrated by the evidence presented in this matter, it is clear to me that the Respondent has unequivocally accepted responsibility for his conduct.

His underlying criminal conduct did not relate to his handling of controlled substances and the Government has not alleged or demonstrated any deficiencies by the Respondent related to controlled substance. []^{*J}

There is no indication that the Respondent has ever improperly handled controlled substances or that he represents a danger to the public. Based upon the evidence presented, and consistent with *Jackson, Miller*, and *Stein*, the Respondent has clearly demonstrated that he can be entrusted to properly maintain his COR.

Recommendation

Considering the entire record before me, the conduct of the hearing, and observation of the testimony of the witnesses presented, I find that the Government has met its burden of proof and has established a *prima facie* case for revocation. However, []^{*K} the evidence suggests that the Respondent has unequivocally accepted responsibility, is remorseful for his conduct, has withdrawn from any responsibilities related to billing or other administrative duties, and has presented convincing evidence demonstrating that the Agency can entrust him to maintain his COR.

Therefore, I recommend the Respondent’s DEA Certificates of Registration MJ3401609 and MJ4509331 should *not be revoked* and any pending applications for renewal or modification of such registration, or for additional DEA registrations, be *granted*.

Signed: February 19, 2020.

Mark M. Dowd,
U.S. Administrative Law Judge

[FR Doc. 2021–14163 Filed 7–1–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0045]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of Currently Approved Collection; Customer Satisfaction Assessment Survey

AGENCY: Federal Bureau of Investigation, Department of Justice.
ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Laboratory Division (LD) has submitted

the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: The Department of Justice encourages public comment and will accept input until August 2, 2021.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the 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/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *The Title of the Form/Collection:* Customer Satisfaction Assessment.
3. *The agency form number:* FD–1000.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents primarily include federal, state, and local law enforcement. Respondents also include the intelligence community, Department

^{*H} Language added.

^{*I} Language added.

^{*J} Language omitted for clarity.

^{*K} Omitted text for clarity.

of Defense, and international police agencies personnel and/or crime laboratory personnel. This collection is a brief questionnaire regarding customers' satisfaction with the services provided by the Federal Bureau of Investigation Laboratory. This collection is needed to evaluate the quality of services provided by the Federal Bureau of Investigation Laboratory. The Federal Bureau of Investigation Laboratory is accredited by the ANSI National Accreditation Board (ANAB). A requirement for maintaining accreditation is to evaluate the level of service provided by the Federal Bureau of Investigation Laboratory to our customers. To meet this requirement the Federal Bureau of Investigation Laboratory is requesting its customers to complete and return the *Customer Satisfaction Assessment*.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will complete the Customer Satisfaction Assessment survey in 2021. This estimate is based on the number of respondents in prior years of this collection. It is estimated that respondents will need 5 minutes to complete a questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 42 hours. It is estimated that respondents will need 5 minutes to complete a questionnaire. The burden hours for collecting respondent data sum to approximately 42 hours (500 respondents × 5 minutes = 41.67 hours).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 28, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-14071 Filed 7-1-21; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110-0048]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Cargo Theft Incident Report

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until August 2, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Evaluate how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* Cargo Theft Incident Report

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number for this collection. The applicable component within the Department of Justice is the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Law enforcement agencies.

Abstract: This survey is needed to collect reports of cargo theft offenses reported by federal, state, local, and tribal law enforcement agencies. It should be noted that cargo theft offenses are being collected under the National Incident-Based Reporting System as of January 1, 2021. Therefore, this data collection will serve to collect updates to incidents only.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The Federal Bureau of Investigation Uniform Crime Reporting Program's Cargo Theft Incident Report Estimation: It is estimated the Cargo Theft Incident Report Estimation will generate 4,528 feedback responses per year with an estimated response time of five minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 378 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 28, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-14070 Filed 7-1-21; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-0184]

Agency Information Collection Activities; Proposed eCollection Comments Requested; Revision of a Currently Approved Collection: 2022 School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS)**AGENCY:** Bureau of Justice Statistics, Department of Justice.**ACTION:** 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 31, 2021.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Rachel Morgan (email: Rachel.Morgan@usdoj.gov; telephone: 202-616-1707) or Alexandra Thompson (email: Alexandra.Thompson@usdoj.gov; telephone: 202-598-2032), Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms

of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *Title of the Form/Collection:* 2022 School Crime Supplement (SCS) to the National Crime Victimization Survey (NCVS).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number for the questionnaire is SCS-1. The applicable component within the Department of Justice is the Bureau of Justice Statistics (BJS), in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The survey will be administered to persons ages 12 to 18 in NCVS sample households in the United States from January through June 2022. The SCS collects, analyzes, publishes, and disseminates statistics on the students' victimization, perceptions of school environment, and safety at school.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 7,010 persons ages 12 to 18. Of the 7,010 SCS respondents, 87% or 6,071 are expected to complete the long SCS interview (entire SCS questionnaire) which takes an estimated 17 minutes (0.28 hours) to complete. The remaining 13% or 939 SCS respondents are expected to complete the short interview (*i.e.* will be screened out for not being in school), which takes an estimated 2 minutes (0.03 hours) to complete. There are an estimated 1,728 annual burden hours associated with this collection. Respondents will be asked to respond to this survey only once during the six-month period. The burden estimates are based on data from the prior administration of the SCS.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,728 total burden hours associated with this information collection.

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 29, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-14236 Filed 7-1-21; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR**Occupational Safety and Health Administration**

[Docket No. OSHA-2007-0043]

TUV SUD America, Inc.: Applications for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.

SUMMARY: In this notice, OSHA announces the applications of TUV SUD America, Inc. (TUVAM) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the applications. Additionally, OSHA proposes to add one additional test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before July 19, 2021.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (*e.g.*, copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA-2007-0043). OSHA will

place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Extension of comment period: Submit requests for an extension of the comment period on or before July 19, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3655, Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693-1999 or email meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone (202) 693-2110 or email robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Applications for Expansion

OSHA is providing notice that TUV SUD America, Inc. (TUVAM) is

applying for expansion of the current recognition as a NRTL. TUVAM requests the addition of eighteen test standards to their NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL’s scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at: <http://www.osha.gov/dts/otpca/nrtl/index.html>.

TUVAM currently has seven facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 401 Edgewater Place, Suite #500 Wakefield, Massachusetts 01880. A complete list of TUVAM’s scope of recognition (including sites) recognized by OSHA is available at: <https://www.osha.gov/dts/otpca/nrtl/tuvam.html>.

II. General Background on the Applications

TUVAM submitted an application, dated June 8, 2020 (OSHA-2007-0043-0036), to expand their recognition to include six additional test standards. OSHA staff performed detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application. Additionally, TUVAM submitted an application on May 19, 2015 (OSHA-2007-0043-0020) to expand their recognition to include two additional recognized test sites and twelve additional test standards. Due to an error, OSHA published preliminary and final **Federal Register** notices (82 FR 13143, March 9, 2017; 82 FR 28359, June 21, 2017) announcing the application and grant of expansion for the two recognized test sites, but not the twelve test standards. Those twelve standards are included in this notice. The expansion announced in this notice will cover eighteen standards, including one which OSHA proposes to add to the NRTL Program’s List of Appropriate Test Standards.

Table 1 below lists the appropriate test standards found in TUVAM’s applications for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
*UL 347A	Medium Voltage Power Conversion Equipment.
UL 1004-1	Rotating Electrical Machines—General Requirements.
UL 2594	Standard for Electric Vehicle Supply Management.
UL 61010-2-030	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2-030: Particular Requirements for Testing and Measuring Circuits.
UL 61010-2-81	Standard for Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2-081: Particular Requirements for Automatic and Semi-Automatic Laboratory Equipment for Analysis and Other Purposes.
UL 61010-2-101	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2-101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 122	Photographic Equipment.
UL 153	Portable Electric Luminaires.
UL 429	Electrically Operated Valves.
UL 1776	High-Pressure Cleaning Machines.
UL 60730-1A	Automatic Electrical Controls for Household and Similar Use; Part 1: General Requirements.
UL 60730-2-7	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Timers and Time Switches.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM’S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 60730–2–10A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Motor Starting Relays.
UL 60730–2–11A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Energy Regulators.
UL 60730–2–12A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Door Locks.
UL 60730–2–13A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Humidity Sensing Controls.
UL 60730–2–14	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electric Actuators.
UL 60730–2–16A	Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Water Level Controls.

* Represents Test Standard new to the NRTL Program.

III. Proposal To Add New Test Standards to the NRTL Program’s List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to: (1) Verify it represents a product category for which OSHA requires certification by a NRTL; (2) verify the document represents a product and not a component; and (3) verify the document defines safety test specifications (not installation or

operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standard in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if

the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add one new test standard to the NRTL Program’s list of appropriate test standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA preliminarily determined that this test standard is appropriate and proposes to include it in the NRTL Program’s list of appropriate test standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—STANDARD OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM’S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 347A	Medium Voltage Power Conversion Equipment.

III. Preliminary Findings on the Applications

TUVAM submitted acceptable applications for expansion of the NRTL scope of recognition. OSHA’s review of the application files, and pertinent documentation, indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of the eighteen test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of TUVAM’s applications.

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of their recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit

any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, at the above address. These materials also are available online at <http://www.regulations.gov> under Docket No.OSHA–2007–0043.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health as to whether to grant TUVAM’s applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the applications. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 25, 2021.

James S. Frederick,
Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–14143 Filed 7–1–21; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION**Sunshine Act Meeting Notice**

TIME AND DATE: The Legal Services Corporation's (LSC) Board Finance Committee will meet remotely on Tuesday, July 13, 2021. The meeting will commence at 4:00 p.m. EDT, continuing until the conclusion of the Committee's agenda.

LOCATION: PUBLIC NOTICE OF VIRTUAL REMOTE MEETING

LSC will conduct the July 13, 2021 meeting virtually via ZOOM.

Public Observation: Unless otherwise noted herein, the Finance Committee meeting will be open to public observation. Members of the public who wish to participate virtually may do so by following the directions provided below.

Directions for Open Sessions:

- To join the Zoom meeting by computer, please click this link.
- [https://lsc-gov.zoom.us/j/96972642737?](https://lsc-gov.zoom.us/j/96972642737?pwd=TmFKemtjYnl0ZUpKcEhaUkNiWnRIUT09)
pwd=TmFKemtjYnl0ZUpKcEhaUkNiWnRIUT09
- Meeting ID: 969 7264 2737
- Passcode: 166176
- To join the Zoom meeting with one tap from your mobile phone, please click dial:

- +13017158592,,96972642737# US (Washington, DC)
- +16468769923,,96972642737# US (New York)
- To join the Zoom meeting by telephone, please dial one of the following numbers:

- +1 301 715 8592 US (Washington DC)
- +1 646 876 9923 US (New York)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 408 638 0968 US (San Jose)
- Meeting ID: 969 7264 2737
- Find your local number: <https://lsc-gov.zoom.us/u/ahcIQMXIN>

• Once connected to the Zoom meeting, please immediately "MUTE" your telephone/computer microphone.

• Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of meeting agenda
2. Approval of minutes of Finance Committee's meeting on June 10, 2021

3. Public comment regarding Fiscal Year 2023 budget request
4. Consider and act on Fiscal Year 2023 Budget Request, Resolution 2021-XXX
5. Public comment on other matters
6. Consider and act on other business
7. Consider and act on adjournment of meeting

CONTACT PERSON FOR INFORMATION:

Jessica Wechter, Board Relations Coordinator, (202) 295-1626. Questions may be sent by electronic mail to FR_NOTICE_QUESTION@lsc.gov.

Accessibility: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Jessica Wechter at (202) 295-1626 or FR_NOTICE_QUESTION@lsc.gov, at least two business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: June 30, 2021.

Stefanie Davis,

Senior Assistant General Counsel.

[FR Doc. 2021-14331 Filed 6-30-21; 11:15 am]

BILLING CODE 7050-01-P

OFFICE OF MANAGEMENT AND BUDGET

North American Industry Classification System (NAICS) Updates for 2022; Update of Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments; and Elimination of Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Solicitation of Comments on the Economic Classification Policy Committee's Recommendations for the 2022 Revision of the North American Industry Classification System; Update of Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments; and Elimination of Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises.

SUMMARY: The Office of Management and Budget (OMB) seeks public comment on the advisability of adopting the proposed North American Industry Classification System (NAICS) updates for 2022 recommended by its Economic Classification Policy Committee (ECPC), which comprises representatives of the Bureau of Economic Analysis, Bureau of Labor Statistics, U.S. Census Bureau, and other government agencies. The ECPC recommends an update of the industry classification system to clarify existing industry definitions and content, recognize new and emerging industries, combine industries, and correct errors and omissions. The ECPC also recommends an update of OMB Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments, and to withdraw OMB Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises. In large part, this proposed series of revisions are designed to address the view of the ECPC regarding the decreasing usefulness of employing the mode of delivery (online versus in store/print) as an industry delineation criterion in the Wholesale Trade, Retail Trade, and Information sectors. In short, the internet has developed from a specialized activity to a generic method of delivery for goods and services. Therefore, the ECPC has developed recommendations that reevaluate and deemphasize the delivery method as an industry function used in NAICS classification. There are four parts in the **SUPPLEMENTARY INFORMATION** section below. Part I summarizes the background for the proposed revisions to NAICS 2017. Part II contains a summary of public comments regarding priorities for changes to NAICS in 2022, the ECPC recommendation to update OMB Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments, and the ECPC recommendation to withdraw OMB Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises. Part III includes a list of title changes for NAICS industries that clarify, but do not change, the existing content of the industries. Part IV provides a comprehensive listing of proposed changes for national industries and their links to NAICS 2017 industries.

DATES: To ensure consideration of comments on the adoption and implementation of the NAICS revisions detailed in this notice, please submit all comments in writing as soon as possible, but no later than 45 days from the publication date of this notice. Because of delays in the receipt of

regular mail related to security screening, respondents are encouraged to send comments electronically (see **ADDRESSES**, below). This proposed revision to NAICS would become effective in the U.S. for publication of establishment data that refer to periods beginning on or after January 1, 2022.

ADDRESSES: Submit comments through www.regulations.gov—a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Enter “USBC–2021–0004” (in quotes) in the search box and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record. Please include the Docket ID (USBC–2021–0004) and the phrase “North American Industry Classification System (NAICS)—Updates for 2022” at the beginning of your comments. Please also indicate which ECPC recommendation described in the **SUPPLEMENTARY INFORMATION** of this notice is addressed in your comments.

Comments submitted in response to this notice may be made available to the public and subject to disclosure under the Freedom of Information Act. For this reason, 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; however, www.regulations.gov does include the option of commenting anonymously. 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.

Electronic Availability: Federal Register notices are available electronically at www.federalregister.gov/. This document is also available on the NAICS website at www.census.gov/naics. This site contains previous NAICS United States **Federal Register** notices, ECPC Issues Papers, ECPC Reports, the structures, industry definitions, and related documents for previous versions of NAICS United States.

Public Review Procedure: All comments and proposals received in response to this notice will be available for public inspection. OMB will publish

final changes to NAICS for 2022 resulting from this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For information about this request for comments, contact Kerrie Leslie, Office of Management and Budget, 9215 New Executive Office Building, 725 17th St. NW, Washington, DC 20503, telephone (202) 395–1093.

NAICS classification staff may be reached by email at econ.naics2022@census.gov. Please note: Communication through this email will not be included in the record for USBC–2021–0004. Comments should be submitted through www.regulations.gov, as described in the **ADDRESSES** section above.

SUPPLEMENTARY INFORMATION: OMB published a notification of intention to revise portions of NAICS in a February 26, 2020, **Federal Register** notice (85 FR 11120–11124). That notice solicited comments on the advisability of revising the NAICS 2017 structure for 2022: (1) To identify new and emerging industries, (2) to solicit comments on the NAICS treatment of Electronic Shopping in Retail Trade, (3) to solicit comments on the concept of internet Publishing and Broadcasting and the potential to eliminate the industry in NAICS 2022, (4) to solicit comments on a proposed revision to OMB’s Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments, (5) to solicit comments on the advisability of withdrawing OMB Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises, and (6) to make required changes for errors and omissions in NAICS 2017. The deadline for submitting comments was April 27, 2020.

After considering all proposals from the public, consulting with U.S. data users and industry groups, and undertaking extensive discussions with Statistics Canada and Mexico’s *Instituto Nacional de Estadística y Geografía* (INEGI), the ECPC recommends that NAICS United States 2022 incorporate changes as shown in Parts III and IV of this notice.

Following a thorough process of development and discussions by the ECPC, with maximum possible public input, OMB seeks comment on the advisability of revising NAICS to incorporate the changes published in this notice. The revised NAICS would be employed in relevant data collections by all U.S. statistical agencies beginning with reference year 2022.

I: Background of NAICS

NAICS is a system for classifying establishments (individual business

locations) by type of economic activity. Its purposes are: (1) To facilitate the collection, tabulation, presentation, and analysis of data relating to establishments, and (2) to promote uniformity and comparability in the presentation and analysis of statistical data describing the North American economy. Federal statistical agencies use NAICS to collect and/or publish data by industry. It is also widely used by State agencies, trade associations, private businesses, and other organizations.

Mexico’s *Instituto Nacional de Estadística y Geografía* (INEGI), Statistics Canada, and the United States Office of Management and Budget (OMB), through the ECPC, collaborated on NAICS to make the industry statistics produced by the three countries comparable. NAICS is the first industry classification system developed in accordance with a single principle of aggregation, *i.e.*, producing units that use similar production processes should be grouped together in the classification. NAICS also reflects changes in technology and in the growth and diversification of services in recent decades. Industry statistics presented using NAICS 2017 are extensively comparable with statistics compiled according to the latest revision of the United Nations’ International Standard Industrial Classification of All Economic Activities (ISIC, Revision 4).

For these three countries, NAICS provides a consistent framework for the collection, tabulation, presentation, and analysis of industry statistics used by government policy analysts, by academics and researchers, by the business community, and by the public. Please note that NAICS is designed and maintained solely for statistical purposes to improve and keep current this Federal statistical standard. Consequently, although the classification may also be used for various nonstatistical purposes (*e.g.*, for administrative, regulatory, or taxation functions), the requirements of government agencies or private users that choose to use NAICS for nonstatistical purposes play no role in its development or revision.

Four principles that guide NAICS development are:

(1) NAICS is erected on a production-oriented conceptual framework. This means that producing units that use the same or similar production processes are grouped together in NAICS.

(2) NAICS gives special attention to developing production-oriented classifications for (a) new and emerging industries, (b) service industries in general, and (c) industries engaged in

the production of advanced technologies.

(3) Time series continuity is maintained to the extent possible.

(4) The system strives for compatibility with the two-digit level of the International Standard Industrial

Classification of All Economic Activities (ISIC, Rev. 4) of the United Nations.

The ECPC is committed to maintaining the principles of NAICS during revisions. The February 26, 2020, solicitation for public comment on questions related to a potential revision

of NAICS in 2022 was directly tied to the application of these four NAICS principles.

NAICS uses a hierarchical structure to classify establishments from the broadest level to the most detailed level using the following format:

Sector	2-digit	Sectors represent the highest level of aggregation. There are 20 sectors in NAICS.
Subsector	3-digit	Subsectors represent the next, more detailed level of aggregation. There are 99 subsectors in NAICS 2017.
Industry Group	4-digit	Industry groups are more detailed than subsectors. There are 311 industry groups in NAICS 2017.
NAICS Industry	5-digit	NAICS industries, in most cases, represent the lowest level of three-country comparability. There are 709 five-digit industries in NAICS 2017.
National Industry	6-digit	National industries are the most detailed level and represent the national level detail. There are 1,057 national industries in NAICS United States 2017.

To ensure the accuracy, timeliness, and relevance of the classification, NAICS is reviewed every five years to determine what, if any, changes are required. The 2022 revision will be the fifth since OMB adopted NAICS in 1997. The ECPC recognizes the costs involved when implementing industry classification revisions in statistical programs and the costs for data users when there are disruptions in the availability of data. The ECPC also recognizes the economic, statistical, and policy implications that arise when the industry classification system does not identify and account for important economic developments. Balancing the costs of change against the potential for more accurate and relevant economic statistics requires significant input from data producers, data providers, and data users.

In large part, this proposed revision addresses the decreasing usefulness of employing the mode of delivery (online versus in store/print) as an industry delineation criterion in the Wholesale Trade, Retail Trade, and Information sectors. Section II.B Summary of ECPC Recommendations for Online Industries in the Wholesale Trade, Retail Trade, and Information Sectors below describes the ECPC recommendations in more detail.

II: Summary of Public Comments Regarding Priorities for Changes to NAICS in 2022; Summary of ECPC Recommendations for Online Industries in the Wholesale Trade, Retail Trade, and Information Sectors; Update of Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments; and Elimination of Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises

A. Summary of Public Comments Regarding Priorities for Changes to NAICS in 2022

The February 26, 2020, **Federal Register** notice sought comments from the public specifically on the continued usefulness of the mode of delivery (online versus in store/print) as an industry delineation criterion in addition to comments on new and emerging industries and the proposed update of Statistical Policy Directive No. 8 and proposed elimination of Statistical Policy Directive No. 9. These focus areas were highlighted in Parts II–VII of that notice.

In response to the February 26, 2020, notice, the ECPC received 63 individual submissions. Each submission was assigned a unique docket number. These 63 submissions addressed the focus areas included in Parts II–VII of the February 26, 2020, notice and/or included comments proposing other changes to NAICS 2017.

The ECPC applied the following general guidance when considering changes to NAICS in 2022:

(1) Because of the cost of change and the disruption of statistical data series that have already resulted from the ongoing implementation of NAICS, the ECPC will limit the scope of NAICS changes for 2022 to those that significantly improve the relevance and efficiency of the classification system;

(2) The ECPC will recommend new and emerging industries identified through the comment process that are

supported by the guiding principles of NAICS; and

(3) The ECPC will make changes to account for errors and omissions as well as recommend narrative improvements to clarify the content of existing industries.

The ECPC also considered the views of its member agencies when evaluating specific proposals for changes to NAICS in 2022. The ECPC reviewed each individual proposal within the existing framework of the principles of NAICS. Additional considerations that resulted in recommendations for or against change included issues of relevance, size, and time series continuity.

The ECPC received a wide ranging and eclectic set of suggestions in response to this solicitation. Single submissions often addressed more than one issue, and many submissions addressed common issues. Of the 63 uniquely numbered submissions received in response to the **Federal Register** notice, most submissions responded with ideas for new or emerging industries or changes to existing industries to reflect new or emerging issues within the industries: 14 supported a new sector for remanufacturing industries, or, alternatively, new industries for remanufacturing; three requested changes for early child care and education; two requested revisions to better reflect the bioeconomy and biobased products; two requested a new industry for compost manufacturing; two supported new vegan industries; two requested a new industry for construction specifications consulting; and two requested a new industry group for farm supply retailers. Single comments requested various new industries or clarifications within existing industries, including aerial wildland firefighting, interior demolition, audio visual services, refrigerant handling and management, agents for wireless telecommunications

services, background screening, restaurant breweries, rideshare services, and pharmacy benefit management. A few comments responded about the continued usefulness of mode of delivery (online versus in store/print) as an industry delineation: Three addressed the current treatment of electronic shopping in NAICS with two in favor of some kind of change and one against. The balance of the comments identified long-term declines in the size of existing industries as justification for industry combinations in the Mining, Manufacturing, Wholesale Trade, Retail Trade, Finance and Insurance, and Other Services (Except Public Administration) sectors. No comments were received on the proposed update to Statistical Policy Directive No. 8 or the elimination of Statistical Policy Directive No. 9.

Each suggestion was carefully considered. Some suggestions were recommended for adoption but modified by the ECPC to better meet the objectives of NAICS. Based on public comments, the ECPC is recommending industry definition changes to explicitly classify certain activities and more clearly match accepted industry terminology. Some suggestions were recommended to be incorporated as products rather than industries. Other suggestions for change were not suited to the production-oriented basis of NAICS or could not be implemented in statistical programs, for various reasons, and thus were not accepted. When a proposal was not accepted, it was usually because: (a) The resulting industry would have been too small in the U.S., or (b) the proposal did not meet the production-oriented criterion for forming an industry in NAICS. Detailed supporting documentation discussing the issues and rationale for reaching these recommendations is available at www.census.gov/naics, and Section II parts B–D below describe the ECPC recommendations to address the specific focus areas from the February 26, 2020, **Federal Register** notice: Continued usefulness of mode of delivery (online versus in store/print) as an industry delineation, proposed update to Statistical Policy Directive No. 8, and proposed elimination to Statistical Policy Directive No. 9.

B. Summary of ECPC Recommendations for Online Industries in the Wholesale Trade, Retail Trade, and Information Sectors

The ECPC received only three comments in response to the February 26, 2020, **Federal Register** notice related to the continued usefulness of mode of delivery (online versus in store/print) as

an industry delineation, with two generally in favor and one against. The ECPC notes that the internet has developed from a specialized activity to a generic method of delivery for goods and services. The use of the internet as a separate production function when defining industries in NAICS is problematic and requires reevaluation as internet usage has permeated the economy. With this in mind, after a technical review and consideration of the submitted comments, the ECPC recommends related changes for NAICS 2022 that apply specifically to the Wholesale Trade, Retail Trade, and Information sectors. The relevant ECPC recommendations follow by sector:

(1) Wholesale Trade

For the Wholesale Trade sector, the ECPC recommends eliminating NAICS Industry 425110, Business to Business Electronic Markets. With this change, Subsector 425 and Industry Group 4251 would be renamed to “Wholesale Trade Agents and Brokers.” Given the minimal impact of combining NAICS Industries 425110 and 425120, Wholesale Trade Agents and Brokers, the ECPC does not recommend changes to codes or titles for NAICS Industries 42512 and 425120.

(2) Retail Trade

For the Retail Trade sector, given the increasing prevalence of omni-channel distribution and variations in reporting patterns, the ECPC recommends eliminating the store/nonstore distinction. Subsector 454, Nonstore Retailers, includes industries for electronic shopping and mail-order houses, vending machine operators, fuel dealers, and other direct selling establishments. In the proposed NAICS 2022 structure for the sector, electronic shopping, mail-order houses, and other direct selling establishments would be distributed throughout the new structure in the same way as retail stores, delineated by specialized broad product lines, such as groceries, apparel, hardware, etc. versus general merchandise. Vending machine operators would be retained as a 6-digit industry and combined with convenience retailers in a 5-digit industry for Convenience Retailers and Vending Machine Operators, included in the industry group for Grocery and Convenience Retailers, and in the subsector for Food and Beverage Retailers. Fuel dealers would be retained as 5- and 6-digit industries within the industry group for Fuel Dealers, grouped with gasoline stations at the subsector level.

(3) Information

For the Information sector, given the increasing prevalence of internet as a generic method of delivery for publishing and broadcasting, the ECPC recommends moving away from an internet-only distinction within this sector as well by eliminating NAICS Industry 519130, Internet Publishing and Broadcasting and Web Search Portals, and

(a) combining Subsector 511, Publishing Industries (except internet) with internet-only publishing to create Subsector 513, Publishing Industries, and retaining the structure of Subsector 511;

(b) combining Subsector 515, Broadcasting (except internet) with internet-only broadcasting and news syndicates, formerly in Subsector 519, to create Subsector 516, Broadcasting and Content Providers, with a 4-digit industry group for Radio and Television Broadcasting Stations, based on the production process of owning infrastructure and controlling the use of public spectrum, and a second 4-digit industry group for Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers; and

(c) retaining web search portals in Subsector 519, Other Information Services, retitled to Web Search Portals, Libraries, Archives, and Other Information Services.

C. Update of Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments

The ECPC recommends updating the text of Statistical Policy Directive No. 8, Standard Industrial Classification of Establishments, using the language proposed in the February 26, 2020, **Federal Register** notice. No public comments submitted in response to the February 26, 2020, **Federal Register** notice offered views on this proposed update. OMB adopted NAICS as the replacement for the Standard Industrial Classification (SIC) for statistical purposes in 1997 (62 FR 17288–17337).

D. Elimination of Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises

The ECPC recommends eliminating Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises. OMB presented the Enterprise Standard Industrial Classification of Enterprises in 1974. The classification is static and has not been updated or widely adopted over the past 45 years. NAICS United States does not include a similar variant for

classification of enterprises. No public comments submitted in response to the February 26, 2020, **Federal Register** notice offered views on this proposed elimination.

III: ECPC Recommendations for Title Changes

Based on a technical review of the titles, in response to some comments submitted describing a lack of clarity, and for consistency with the ECPC recommendations to make changes to industries to deemphasize mode of delivery (online versus in store/print) as a delineation, the ECPC recommends the following NAICS subsector, industry group, and industry title changes to more clearly describe the existing content.

NAICS 311221, Wet Corn Milling, would be changed to *“Wet Corn Milling and Starch Manufacturing.”*

NAICS 32531, Fertilizer Manufacturing, would be changed to *“Fertilizer and Compost Manufacturing.”*

NAICS 325992, Photographic Film, Paper, Plate, and Chemical Manufacturing, would be changed to *“Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing.”*

NAICS 42494, Tobacco and Tobacco Product Merchant Wholesalers, would be changed to *“Tobacco Product and Electronic Cigarette Merchant Wholesalers.”*

NAICS 424940, Tobacco and Tobacco Product Merchant Wholesalers, would be changed to *“Tobacco Product and Electronic Cigarette Merchant Wholesalers.”*

NAICS Subsector 425, Wholesale Electronic Markets and Agents and Brokers, would be changed to *“Wholesale Trade Agents and Brokers.”*

NAICS Industry Group 4251, Wholesale Electronic Markets and Agents and Brokers, would be changed to *“Wholesale Trade Agents and Brokers.”*

NAICS 44412, Paint and Wallpaper Stores, would be changed to *“Paint and Wallpaper Retailers.”*

NAICS 444120, Paint and Wallpaper Stores, would be changed to *“Paint and Wallpaper Retailers.”*

NAICS 44511, Supermarkets and Other Grocery (except Convenience) Stores, would be changed to *“Supermarkets and Other Grocery Retailers (except Convenience Retailers).”*

NAICS 445110, Supermarkets and Other Grocery (except Convenience) Stores, would be changed to *“Supermarkets and Other Grocery Retailers (except Convenience Retailers).”*

NAICS 44523, Fruit and Vegetable Markets, would be changed to *“Fruit and Vegetable Retailers.”*

NAICS 445230, Fruit and Vegetable Markets, would be changed to *“Fruit and Vegetable Retailers.”*

NAICS 44529, Other Specialty Food Stores, would be changed to *“Other Specialty Food Retailers.”*

NAICS 445291, Baked Goods Stores, would be changed to *“Baked Goods Retailers.”*

NAICS 445292, Confectionery and Nut Stores, would be changed to *“Confectionery and Nut Retailers.”*

NAICS 48531, Taxi Service, would be changed to *“Taxi and Ridesharing Services.”*

NAICS 485310, Taxi Service, would be changed to *“Taxi and Ridesharing Services.”*

NAICS Subsector 518, Data Processing, Hosting, and Related Services, would be changed to *“Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services.”*

NAICS Industry Group 5182, Data Processing, Hosting, and Related Services, would be changed to *“Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services.”*

NAICS 51821, Data Processing, Hosting, and Related Services, would be changed to *“Computing Infrastructure*

Providers, Data Processing, Web Hosting, and Related Services.”

NAICS 518210, Data Processing, Hosting, and Related Services, would be changed to *“Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services.”*

NAICS 524292, Third Party Administration of Insurance and Pension Funds, would be changed to *“Pharmacy Benefit Management and Other Third Party Administration of Insurance and Pension Funds.”*

NAICS 54138, Testing Laboratories, would be changed to *“Testing Laboratories and Services.”*

NAICS 541380, Testing Laboratories, would be changed to *“Testing Laboratories and Services.”*

NAICS 54185, Outdoor Advertising, would be changed to *“Indoor and Outdoor Display Advertising.”*

NAICS 541850, Outdoor Advertising, would be changed to *“Indoor and Outdoor Display Advertising.”*

NAICS 561611, Investigation Services, would be changed to *“Investigation and Personal Background Check Services.”*

NAICS Industry Group 6244, Child Day Care Services, would be changed to *“Child Care Services.”*

NAICS 62441, Child Day Care Services, would be changed to *“Child Care Services.”*

NAICS 624410, Child Day Care Services, would be changed to *“Child Care Services.”*

IV: ECPC Recommendations for 2022 Changes to NAICS United States 2017

Part IV presents the ECPC recommendations for content revisions to NAICS United States for 2022. Table 1 lists, in NAICS United States 2017 order, the disposition of all industries that the ECPC recommends for change and their resulting relationship to NAICS United States 2022 proposed industries. Table 2 presents the ECPC recommended NAICS 2022 industries in proposed NAICS United States 2022 order, cross-walked to their NAICS United States 2017 content.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
212111	Bituminous Coal and Lignite Surface Mining	pt.	212114	Surface Coal Mining.
212112	Bituminous Coal Underground Mining	pt.	212115	Underground Coal Mining.
212113	Anthracite Mining:			
	<i>anthracite surface mining</i>	pt.	212114	Surface Coal Mining.
	<i>anthracite underground mining</i>	pt.	212115	Underground Coal Mining.
212221	Gold Ore Mining	pt.	212220	Gold Ore and Silver Ore Mining.
212222	Silver Ore Mining	pt.	212220	Gold Ore and Silver Ore Mining.
212291	Uranium-Radium-Vanadium Ore Mining	pt.	212290	Other Metal Ore Mining.
212299	All Other Metal Ore Mining	pt.	212290	Other Metal Ore Mining.
212324	Kaolin and Ball Clay Mining	pt.	212323	Kaolin, Clay, and Ceramic and Refractory Minerals Mining.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES—
Continued

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
212325	Clay and Ceramic and Refractory Minerals Mining.	pt.	212323	Kaolin, Clay, and Ceramic and Refractory Minerals Mining.
212391	Potash, Soda, and Borate Mineral Mining	pt.	212390	Other Nonmetallic Mineral Mining and Quarrying.
212392	Phosphate Rock Mining	pt.	212390	Other Nonmetallic Mineral Mining and Quarrying.
212393	Other Chemical and Fertilizer Mineral Mining	pt.	212390	Other Nonmetallic Mineral Mining and Quarrying.
212399	All Other Nonmetallic Mineral Mining	pt.	212390	Other Nonmetallic Mineral Mining and Quarrying.
315110	Hosiery and Sock Mills	pt.	315120	Apparel Knitting Mills.
315190	Other Apparel Knitting Mills	pt.	315120	Apparel Knitting Mills.
315220	Men's and Boys' Cut and Sew Apparel Manufacturing.	pt.	315250	Cut and Sew Apparel Manufacturing (except Contractors).
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing.	pt.	315250	Cut and Sew Apparel Manufacturing (except Contractors).
315280	Other Cut and Sew Apparel Manufacturing	pt.	315250	Cut and Sew Apparel Manufacturing (except Contractors).
316992	Women's Handbag and Purse Manufacturing	pt.	316990	Other Leather and Allied Product Manufacturing.
316998	All Other Leather Good and Allied Product Manufacturing.	pt.	316990	Other Leather and Allied Product Manufacturing.
321213	Engineered Wood Member (except Truss) Manufacturing.	pt.	321215	Engineered Wood Member Manufacturing.
321214	Truss Manufacturing	pt.	321215	Engineered Wood Member Manufacturing.
322121	Paper (except Newsprint) Mills	pt.	322120	Paper Mills.
322122	Newsprint Mills	pt.	322120	Paper Mills.
325314	Fertilizer (Mixing Only) Manufacturing: <i>compost manufacturing</i>		325315	Compost Manufacturing.
	<i>except compost manufacturing</i>		325314	Fertilizer (Mixing Only) Manufacturing.
333244	Printing Machinery and Equipment Manufacturing.	pt.	333248	All Other Industrial Machinery Manufacturing.
333249	Other Industrial Machinery Manufacturing	pt.	333248	All Other Industrial Machinery Manufacturing.
333314	Optical Instrument and Lens Manufacturing	pt.	333310	Commercial and Service Industry Machinery Manufacturing.
333316	Photographic and Photocopying Equipment Manufacturing.	pt.	333310	Commercial and Service Industry Machinery Manufacturing.
333318	Other Commercial and Service Industry Machinery Manufacturing.	pt.	333310	Commercial and Service Industry Machinery Manufacturing.
333997	Scale and Balance Manufacturing	pt.	333998	All Other Miscellaneous General Purpose Machinery Manufacturing.
333999	All Other Miscellaneous General Purpose Machinery Manufacturing.	pt.	333998	All Other Miscellaneous General Purpose Machinery Manufacturing.
334613	Blank Magnetic and Optical Recording Media Manufacturing.	pt.	334610	Manufacturing and Reproducing Magnetic and Optical Media.
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.	pt.	334610	Manufacturing and Reproducing Magnetic and Optical Media.
335110	Electric Lamp Bulb and Part Manufacturing	pt.	335139	Electric Lamp Bulb and Other Lighting Equipment Manufacturing.
335121	Residential Electric Lighting Fixture Manufacturing.		335131	Residential Electric Lighting Fixture Manufacturing.
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.		335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.
335129	Other Lighting Equipment Manufacturing	pt.	335139	Electric Lamp Bulb and Other Lighting Equipment Manufacturing.
335911	Storage Battery Manufacturing	pt.	335910	Battery Manufacturing.
335912	Primary Battery Manufacturing	pt.	335910	Battery Manufacturing.
336111	Automobile Manufacturing	pt.	336110	Automobile and Light Duty Motor Vehicle Manufacturing.
336112	Light Truck and Utility Vehicle Manufacturing	pt.	336110	Automobile and Light Duty Motor Vehicle Manufacturing.
337124	Metal Household Furniture Manufacturing	pt.	337126	Household Furniture (except Wood and Upholstered) Manufacturing.
337125	Household Furniture (except Wood and Metal) Manufacturing.	pt.	337126	Household Furniture (except Wood and Upholstered) Manufacturing.
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers.	pt.	424350	Clothing and Clothing Accessories Merchant Wholesalers.
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers.	pt.	424350	Clothing and Clothing Accessories Merchant Wholesalers.
425110	Business to Business Electronic Markets	pt.	425120	Wholesale Trade Agents and Brokers.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES—Continued

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
425120	Wholesale Trade Agents and Brokers	pt.	425120	Wholesale Trade Agents and Brokers.
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers.	pt.	441227	Motorcycle, ATV, and All Other Motor Vehicle Dealers.
441310	Automotive Parts and Accessories Stores	pt.	441330	Automotive Parts and Accessories Retailers.
441320	Tire Dealers	pt.	441340	Tire Dealers.
442110	Furniture Stores	pt.	449110	Furniture Retailers.
442210	Floor Covering Stores	pt.	449121	Floor Covering Retailers.
442291	Window Treatment Stores	pt.	449122	Window Treatment Retailers.
442299	All Other Home Furnishings Stores	pt.	449129	All Other Home Furnishings Retailers.
443141	Household Appliance Stores	pt.	449210	Electronics and Appliance Retailers.
443142	Electronics Stores	pt.	449210	Electronics and Appliance Retailers.
444130	Hardware Stores	pt.	444140	Hardware Retailers.
444190	Other Building Material Dealers	pt.	444180	Other Building Material Dealers.
444210	Outdoor Power Equipment Stores	pt.	444230	Outdoor Power Equipment Retailers.
444220	Nursery, Garden Center, and Farm Supply Stores.	pt.	444240	Nursery, Garden Center, and Farm Supply Retailers.
445120	Convenience Stores	pt.	445131	Convenience Retailers.
445210	Meat Markets	pt.	445240	Meat Retailers.
445220	Fish and Seafood Markets	pt.	445250	Fish and Seafood Retailers.
445299	All Other Specialty Food Stores	pt.	445298	All Other Specialty Food Retailers.
445310	Beer, Wine, and Liquor Stores	pt.	445320	Beer, Wine, and Liquor Retailers.
446110	Pharmacies and Drug Stores	pt.	456110	Pharmacies and Drug Retailers.
446120	Cosmetics, Beauty Supplies, and Perfume Stores.	pt.	456120	Cosmetics, Beauty Supplies, and Perfume Retailers.
446130	Optical Goods Stores	pt.	456130	Optical Goods Retailers.
446191	Food (Health) Supplement Stores	pt.	456191	Food (Health) Supplement Retailers.
446199	All Other Health and Personal Care Stores	pt.	456199	All Other Health and Personal Care Retailers.
447110	Gasoline Stations with Convenience Stores	pt.	457110	Gasoline Stations with Convenience Stores.
447190	Other Gasoline Stations	pt.	457120	Other Gasoline Stations.
448110	Men's Clothing Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448120	Women's Clothing Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448130	Children's and Infants' Clothing Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448140	Family Clothing Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448150	Clothing Accessories Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448190	Other Clothing Stores	pt.	458110	Clothing and Clothing Accessories Retailers.
448210	Shoe Stores	pt.	458210	Shoe Retailers.
448310	Jewelry Stores	pt.	458310	Jewelry Retailers.
448320	Luggage and Leather Goods Stores	pt.	458320	Luggage and Leather Goods Retailers.
451110	Sporting Goods Stores	pt.	459110	Sporting Goods Retailers.
451120	Hobby, Toy, and Game Stores	pt.	459120	Hobby, Toy, and Game Retailers.
451130	Sewing, Needlework, and Piece Goods Stores	pt.	459130	Sewing, Needlework, and Piece Goods Retailers.
451140	Musical Instrument and Supplies Stores	pt.	459140	Musical Instrument and Supplies Retailers.
451211	Book Stores	pt.	459210	Book Retailers and News Dealers.
451212	News Dealers and Newsstands	pt.	459210	Book Retailers and News Dealers.
452210	Department Stores	pt.	455110	Department Stores.
452311	Warehouse Clubs and Supercenters	pt.	455211	Warehouse Clubs and Supercenters.
452319	All Other General Merchandise Stores	pt.	455219	All Other General Merchandise Retailers.
453110	Florists	pt.	459310	Florists.
453210	Office Supplies and Stationery Stores	pt.	459410	Office Supplies and Stationery Retailers.
453220	Gift, Novelty, and Souvenir Stores	pt.	459420	Gift, Novelty, and Souvenir Retailers.
453310	Used Merchandise Stores	pt.	459510	Used Merchandise Retailers.
453910	Pet and Pet Supplies Stores	pt.	459910	Pet and Pet Supplies Retailers.
453920	Art Dealers	pt.	459920	Art Dealers.
453930	Manufactured (Mobile) Home Dealers	pt.	459930	Manufactured (Mobile) Home Dealers.
453991	Tobacco Stores	pt.	459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers.
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores):			
	<i>general merchandise auction houses</i>	pt.	455219	All Other General Merchandise Retailers.
	<i>electronic cigarette stores and marijuana stores, medical or recreational.</i>	pt.	459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers.
	<i>except general merchandise auction houses, electronic cigarette stores, and marijuana stores, medical or recreational.</i>	pt.	459999	All Other Miscellaneous Retailers.
454110	Electronic Shopping and Mail-Order Houses	pt.	441227	Motorcycle, ATV, and All Other Motor Vehicle Dealers.
		pt.	441330	Automotive Parts and Accessories Retailers.
		pt.	441340	Tire Dealers.
		pt.	444140	Hardware Retailers.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES—
Continued

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
		pt.	444180	Other Building Material Dealers.
		pt.	444230	Outdoor Power Equipment Retailers.
		pt.	444240	Nursery, Garden Center, and Farm Supply Retailers.
		pt.	445131	Convenience Retailers.
		pt.	445240	Meat Retailers.
		pt.	445250	Fish and Seafood Retailers.
		pt.	445298	All Other Specialty Food Retailers.
		pt.	445320	Beer, Wine, and Liquor Retailers.
		pt.	449110	Furniture Retailers.
		pt.	449121	Floor Covering Retailers.
		pt.	449122	Window Treatment Retailers.
		pt.	449129	All Other Home Furnishings Retailers.
		pt.	449210	Electronics and Appliance Retailers.
		pt.	455110	Department Stores.
		pt.	455211	Warehouse Clubs and Supercenters.
		pt.	455219	All Other General Merchandise Retailers.
		pt.	456110	Pharmacies and Drug Retailers.
		pt.	456120	Cosmetics, Beauty Supplies, and Perfume Retailers.
		pt.	456130	Optical Goods Retailers.
		pt.	456191	Food (Health) Supplement Retailers.
		pt.	456199	All Other Health and Personal Care Retailers.
		pt.	458110	Clothing and Clothing Accessories Retailers.
		pt.	458210	Shoe Retailers.
		pt.	458310	Jewelry Retailers.
		pt.	458320	Luggage and Leather Goods Retailers.
		pt.	459110	Sporting Goods Retailers.
		pt.	459120	Hobby, Toy, and Game Retailers.
		pt.	459130	Sewing, Needlework, and Piece Goods Retailers.
		pt.	459140	Musical Instrument and Supplies Retailers.
		pt.	459210	Book Retailers and News Dealers.
		pt.	459310	Florists.
		pt.	459410	Office Supplies and Stationery Retailers.
		pt.	459420	Gift, Novelty, and Souvenir Retailers.
		pt.	459510	Used Merchandise Retailers.
		pt.	459910	Pet and Pet Supplies Retailers.
		pt.	459920	Art Dealers.
		pt.	459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers.
		pt.	459999	All Other Miscellaneous Retailers.
454210	Vending Machine Operators		445132	Vending Machine Operators.
454310	Fuel Dealers		457210	Fuel Dealers.
454390	Other Direct Selling Establishments	pt.	441330	Automotive Parts and Accessories Retailers.
		pt.	441340	Tire Dealers.
		pt.	444140	Hardware Retailers.
		pt.	444180	Other Building Material Dealers.
		pt.	444230	Outdoor Power Equipment Retailers.
		pt.	444240	Nursery, Garden Center, and Farm Supply Retailers.
		pt.	445131	Convenience Retailers.
		pt.	445240	Meat Retailers.
		pt.	445250	Fish and Seafood Retailers.
		pt.	445298	All Other Specialty Food Retailers.
		pt.	445320	Beer, Wine, and Liquor Retailers.
		pt.	449110	Furniture Retailers.
		pt.	449121	Floor Covering Retailers.
		pt.	449122	Window Treatment Retailers.
		pt.	449129	All Other Home Furnishings Retailers.
		pt.	449210	Electronics and Appliance Retailers.
		pt.	455219	All Other General Merchandise Retailers.
		pt.	456110	Pharmacies and Drug Retailers.
		pt.	456120	Cosmetics, Beauty Supplies, and Perfume Retailers.
		pt.	456130	Optical Goods Retailers.
		pt.	456191	Food (Health) Supplement Retailers.
		pt.	456199	All Other Health and Personal Care Retailers.
		pt.	458110	Clothing and Clothing Accessories Retailers.
		pt.	458210	Shoe Retailers.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES—Continued

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
		pt.	458310	Jewelry Retailers.
		pt.	458320	Luggage and Leather Goods Retailers.
		pt.	459110	Sporting Goods Retailers.
		pt.	459120	Hobby, Toy, and Game Retailers.
		pt.	459130	Sewing, Needlework, and Piece Goods Retailers.
		pt.	459140	Musical Instrument and Supplies Retailers.
		pt.	459210	Book Retailers and News Dealers.
		pt.	459310	Florists.
		pt.	459410	Office Supplies and Stationery Retailers.
		pt.	459420	Gift, Novelty, and Souvenir Retailers.
		pt.	459510	Used Merchandise Retailers.
		pt.	459910	Pet and Pet Supplies Retailers.
		pt.	459920	Art Dealers.
		pt.	459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers.
		pt.	459999	All Other Miscellaneous Retailers.
511110	Newspaper Publishers	pt.	513110	Newspaper Publishers.
511120	Periodical Publishers	pt.	513120	Periodical Publishers.
511130	Book Publishers	pt.	513130	Book Publishers.
511140	Directory and Mailing List Publishers	pt.	513140	Directory and Mailing List Publishers.
511191	Greeting Card Publishers	pt.	513191	Greeting Card Publishers.
511199	All Other Publishers	pt.	513199	All Other Publishers.
511210	Software Publishers		513210	Software Publishers.
515111	Radio Networks	pt.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.
515112	Radio Stations		516110	Radio Broadcasting Stations.
515120	Television Broadcasting: <i>television broadcasting stations</i>		516120	Television Broadcasting Stations.
	<i>television networks</i>	pt.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.
515210	Cable and Other Subscription Programming	pt.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.
517311	Wired Telecommunications Carriers		517111	Wired Telecommunications Carriers.
517312	Wireless Telecommunications Carriers (except Satellite): <i>except agents for wireless telecommunications carriers.</i> <i>agents for wireless telecommunications carriers.</i>		517112	Wireless Telecommunications Carriers (except Satellite).
517911	Telecommunications Resellers: <i>except agents for wireless telecommunications resellers.</i> <i>agents for wireless telecommunications resellers.</i>	pt.	517122	Agents for Wireless Telecommunications Services.
			517121	Telecommunications Resellers.
517919	All Other Telecommunications		517810	All Other Telecommunications.
519110	News Syndicates	pt.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.
519120	Libraries and Archives		519210	Libraries and Archives.
519130	Internet Publishing and Broadcasting and Web Search Portals: <i>Internet newspaper publishers</i>	pt.	513110	Newspaper Publishers.
	<i>Internet periodical publishers</i>	pt.	513120	Periodical Publishers.
	<i>Internet book publishers</i>	pt.	513130	Book Publishers.
	<i>Internet directory and mailing list publishers.</i>	pt.	513140	Directory and Mailing List Publishers.
	<i>Internet greeting card publishers</i>	pt.	513191	Greeting Card Publishers.
	<i>all other Internet publishers</i>	pt.	513199	All Other Publishers.
	<i>Internet broadcasting</i>	pt.	516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.
	<i>web search portals</i>	pt.	519290	Web Search Portals and All Other Information Services.
519190	All Other Information Services	pt.	519290	Web Search Portals and All Other Information Services.

TABLE 1—2017 NAICS UNITED STATES MATCHED TO ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES—Continued

2017 NAICS code	2017 NAICS description	Status code	2022 NAICS code	2022 NAICS description
522120	Savings Institutions	pt.	522180	Savings Institutions and Other Depository Credit Intermediation.
522190	Other Depository Credit Intermediation	pt.	522180	Savings Institutions and Other Depository Credit Intermediation.
522293	International Trade Financing	pt.	522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.
522294	Secondary Market Financing	pt.	522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.
522298	All Other Nondepository Credit Intermediation	pt.	522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.
523110	Investment Banking and Securities Dealing	pt.	523150	Investment Banking and Securities Intermediation.
523120	Securities Brokerage	pt.	523150	Investment Banking and Securities Intermediation.
523130	Commodity Contracts Dealing	pt.	523160	Commodity Contracts Intermediation.
523140	Commodity Contracts Brokerage	pt.	523160	Commodity Contracts Intermediation.
523920	Portfolio Management	pt.	523940	Portfolio Management and Investment Advice.
523930	Investment Advice	pt.	523940	Portfolio Management and Investment Advice.
811112	Automotive Exhaust System Repair	pt.	811114	Specialized Automotive Repair.
811113	Automotive Transmission Repair	pt.	811114	Specialized Automotive Repair.
811118	Other Automotive Mechanical and Electrical Repair and Maintenance.	pt.	811114	Specialized Automotive Repair.
811211	Consumer Electronics Repair and Maintenance	pt.	811210	Electronic and Precision Equipment Repair and Maintenance.
811212	Computer and Office Machine Repair and Maintenance.	pt.	811210	Electronic and Precision Equipment Repair and Maintenance.
811213	Communication Equipment Repair and Maintenance.	pt.	811210	Electronic and Precision Equipment Repair and Maintenance.
811219	Other Electronic and Precision Equipment Repair and Maintenance.	pt.	811210	Electronic and Precision Equipment Repair and Maintenance.

pt.—Part of 2022 NAICS United States industry.

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
212114	Surface Coal Mining.	N	212111	Bituminous Coal and Lignite Surface Mining.
212115	Underground Coal Mining	N	*212113	Anthracite Mining— <i>anthracite surface mining</i> .
			212112	Bituminous Coal Underground Mining.
			*212113	Anthracite Mining— <i>anthracite underground mining</i> .
212220	Gold Ore and Silver Ore Mining	N	212221	Gold Ore Mining.
			212222	Silver Ore Mining.
212290	Other Metal Ore Mining	N	212291	Uranium-Radium-Vanadium Ore Mining.
			212299	All Other Metal Ore Mining.
212323	Kaolin, Clay, and Ceramic and Refractory Minerals Mining.	N	212324	Kaolin and Ball Clay Mining.
			212325	Clay and Ceramic and Refractory Minerals Mining.
212390	Other Nonmetallic Mineral Mining and Quarrying.	N	212391	Potash, Soda, and Borate Mineral Mining.
			212392	Phosphate Rock Mining.
			212393	Other Chemical and Fertilizer Mineral Mining.
			212399	All Other Nonmetallic Mineral Mining.
31512	Apparel Knitting Mills			
315120	Apparel Knitting Mills	N	315110	Hosiery and Sock Mills.
			315190	Other Apparel Knitting Mills.
31525	Cut and Sew Apparel Manufacturing (except Contractors)			
315250	Cut and Sew Apparel Manufacturing (except Contractors).	N	315220	Men's and Boys' Cut and Sew Apparel Manufacturing.
			315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing.
			315280	Other Cut and Sew Apparel Manufacturing.
316990	Other Leather and Allied Product Manufacturing.	N	316992	Women's Handbag and Purse Manufacturing.
			316998	All Other Leather Good and Allied Product Manufacturing.

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—
Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
321215	Engineered Wood Member Manufacturing	N	321213	Engineered Wood Member (except Truss) Manufacturing.
			321214	Truss Manufacturing.
322120	Paper Mills	N	322121	Paper (except Newsprint) Mills.
			322122	Newsprint Mills.
325314	Fertilizer (Mixing Only) Manufacturing	R	*325314	Fertilizer (Mixing Only) Manufacturing— <i>except compost manufacturing.</i>
325315	Compost Manufacturing	N	*325314	Fertilizer (Mixing Only) Manufacturing— <i>compost manufacturing.</i>
333248	All Other Industrial Machinery Manufacturing	N	333244	Printing Machinery and Equipment Manufacturing.
			333249	Other Industrial Machinery Manufacturing.
333310	Commercial and Service Industry Machinery Manufacturing.	N	333314	Optical Instrument and Lens Manufacturing.
			333316	Photographic and Photocopying Equipment Manufacturing.
			333318	Other Commercial and Service Industry Machinery Manufacturing.
333998	All Other Miscellaneous General Purpose Machinery Manufacturing.	N	333997	Scale and Balance Manufacturing.
			333999	All Other Miscellaneous General Purpose Machinery Manufacturing.
334610	Manufacturing and Reproducing Magnetic and Optical Media.	N	334613	Blank Magnetic and Optical Recording Media Manufacturing.
			334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing.
33513	Electric Lighting Equipment Manufacturing.			
335131	Residential Electric Lighting Fixture Manufacturing.	N	335121	Residential Electric Lighting Fixture Manufacturing.
335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.	N	335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing.
335139	Electric Lamp Bulb and Other Lighting Equipment Manufacturing.	N	335110	Electric Lamp Bulb and Part Manufacturing.
			335129	Other Lighting Equipment Manufacturing.
335910	Battery Manufacturing	N	335911	Storage Battery Manufacturing.
			335912	Primary Battery Manufacturing.
336110	Automobile and Light Duty Motor Vehicle Manufacturing.	N	336111	Automobile Manufacturing.
			336112	Light Truck and Utility Vehicle Manufacturing.
337126	Household Furniture (except Wood and Upholstered) Manufacturing.	N	337124	Metal Household Furniture Manufacturing.
			337125	Household Furniture (except Wood and Metal) Manufacturing.
42435	Clothing and Clothing Accessories Merchant Wholesalers.			
424350	Clothing and Clothing Accessories Merchant Wholesalers.	N	424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers.
			424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers.
42512	Wholesale Trade Agents and Brokers.			
425120	Wholesale Trade Agents and Brokers	R	425110	Business to Business Electronic Markets.
			425120	Wholesale Trade Agents and Brokers.
441227	Motorcycle, ATV, and All Other Motor Vehicle Dealers.	N	441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers.
			*454110	Electronic Shopping and Mail-Order Houses.
4413	Automotive Parts, Accessories, and Tire Retailers.			
44133	Automotive Parts and Accessories Retailers.			
441330	Automotive Parts and Accessories Retailers	N	441310	Automotive Parts and Accessories Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
44134	Tire Dealers.			
441340	Tire Dealers	N	441320	Tire Dealers.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
44414	Hardware Retailers.			
444140	Hardware Retailers	N	444130	Hardware Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
44418	Other Building Material Dealers.			

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—
Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
444180	Other Building Material Dealers	N	444190 *454110 *454390	Other Building Material Dealers. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4442	Lawn and Garden Equipment and Supplies Retailers.			
44423	Outdoor Power Equipment Retailers.			
444230	Outdoor Power Equipment Retailers	N	444210 *454110 *454390	Outdoor Power Equipment Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
44424	Nursery, Garden Center, and Farm Supply Retailers.			
444240	Nursery, Garden Center, and Farm Supply Retailers.	N	444220 *454110 *454390	Nursery, Garden Center, and Farm Supply Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
44513	Convenience Retailers and Vending Machine Operators.			
445131	Convenience Retailers	N	445120 *454110 *454390	Convenience Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
445132	Vending Machine Operators	N	454210	Vending Machine Operators.
44524	Meat Retailers.			
445240	Meat Retailers	N	445210 *454110 *454390	Meat Markets. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
44525	Fish and Seafood Retailers.			
445250	Fish and Seafood Retailers	N	445220 *454110 *454390	Fish and Seafood Markets. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
445298	All Other Specialty Food Retailers	N	445299 *454110 *454390	All Other Specialty Food Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4453	Beer, Wine, and Liquor Retailers.			
44532	Beer, Wine, and Liquor Retailers.			
445320	Beer, Wine, and Liquor Retailers	N	445310 *454110 *454390	Beer, Wine, and Liquor Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
449	Furniture, Home Furnishings, Electronics, and Appliance Retailers.			
4491	Furniture and Home Furnishings Retailers.			
44911	Furniture Retailers.			
449110	Furniture Retailers	N	442110 *454110 *454390	Furniture Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
44912	Home Furnishings Retailers.			
449121	Floor Covering Retailers	N	442210 *454110 *454390	Floor Covering Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
449122	Window Treatment Retailers	N	442291 *454110 *454390	Window Treatment Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
449129	All Other Home Furnishings Retailers	N	442299 *454110 *454390	All Other Home Furnishings Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4492	Electronics and Appliance Retailers.			
44921	Electronics and Appliance Retailers.			
449210	Electronics and Appliance Retailers	N	443141 443142 *454110 *454390	Household Appliance Stores. Electronics Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
455	General Merchandise Retailers.			
4551	Department Stores.			
45511	Department Stores.			
455110	Department Stores	N	452210 *454110	Department Stores. Electronic Shopping and Mail-Order Houses.
4552	Warehouse Clubs, Supercenters, and Other General Merchandise Retailers.			
45521	Warehouse Clubs, Supercenters, and Other General Merchandise Retailers.			
455211	Warehouse Clubs and Supercenters	N	452311	Warehouse Clubs and Supercenters.

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
455219	All Other General Merchandise Retailers	N	*454110 452319 *453998	Electronic Shopping and Mail-Order Houses. All Other General Merchandise Stores. All Other Miscellaneous Store Retailers (except Tobacco Stores)— <i>general merchandise auction houses</i> .
456	Health and Personal Care Retailers.		*454110 *454390	Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4561	Health and Personal Care Retailers.			
45611	Pharmacies and Drug Retailers.			
456110	Pharmacies and Drug Retailers	N	446110 *454110 *454390	Pharmacies and Drug Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
45612	Cosmetics, Beauty Supplies, and Perfume Retailers.			
456120	Cosmetics, Beauty Supplies, and Perfume Retailers.	N	446120 *454110 *454390	Cosmetics, Beauty Supplies, and Perfume Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
45613	Optical Goods Retailers.			
456130	Optical Goods Retailers	N	446130 *454110 *454390	Optical Goods Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
45619	Other Health and Personal Care Retailers.			
456191	Food (Health) Supplement Retailers	N	446191 *454110 *454390	Food (Health) Supplement Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
456199	All Other Health and Personal Care Retailers	N	446199 *454110 *454390	All Other Health and Personal Care Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
457	Gasoline Stations and Fuel Dealers.			
4571	Gasoline Stations.			
45711	Gasoline Stations with Convenience Stores.			
457110	Gasoline Stations with Convenience Stores	N	447110	Gasoline Stations with Convenience Stores.
45712	Other Gasoline Stations.			
457120	Other Gasoline Stations	N	447190	Other Gasoline Stations.
4572	Fuel Dealers.			
45721	Fuel Dealers.			
457210	Fuel Dealers	N	454310	Fuel Dealers.
458	Clothing, Clothing Accessories, Shoe, and Jewelry Retailers.			
4581	Clothing and Clothing Accessories Retailers.			
45811	Clothing and Clothing Accessories Retailers.			
458110	Clothing and Clothing Accessories Retailers	N	448110 448120 448130 448140 448150 448190 *454110 *454390	Men's Clothing Stores. Women's Clothing Stores. Children's and Infants' Clothing Stores. Family Clothing Stores. Clothing Accessories Stores. Other Clothing Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4582	Shoe Retailers.			
45821	Shoe Retailers.			
458210	Shoe Retailers	N	448210 *454110 *454390	Shoe Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
4583	Jewelry, Luggage, and Leather Goods Retailers.			
45831	Jewelry Retailers.			
458310	Jewelry Retailers	N	448310 *454110 *454390	Jewelry Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
45832	Luggage and Leather Goods Retailers.			
458320	Luggage and Leather Goods Retailers	N	448320 *454110 *454390	Luggage and Leather Goods Stores. Electronic Shopping and Mail-Order Houses. Other Direct Selling Establishments.
459	Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers.			
4591	Sporting Goods, Hobby, and Musical Instrument Retailers.			

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—
Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
45911	Sporting Goods Retailers.			
459110	Sporting Goods Retailers	N	451110	Sporting Goods Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45912	Hobby, Toy, and Game Retailers.			
459120	Hobby, Toy, and Game Retailers	N	451120	Hobby, Toy, and Game Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45913	Sewing, Needlework, and Piece Goods Retailers.			
459130	Sewing, Needlework, and Piece Goods Retailers.	N	451130	Sewing, Needlework, and Piece Goods Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45914	Musical Instrument and Supplies Retailers.			
459140	Musical Instrument and Supplies Retailers	N	451140	Musical Instrument and Supplies Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
4592	Book Retailers and News Dealers.			
45921	Book Retailers and News Dealers.			
459210	Book Retailers and News Dealers	N	451211	Book Stores.
			451212	News Dealers and Newsstands.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
4593	Florists.			
45931	Florists.			
459310	Florists	N	453110	Florists.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
4594	Office Supplies, Stationery, and Gift Retailers.			
45941	Office Supplies and Stationery Retailers.			
459410	Office Supplies and Stationery Retailers	N	453210	Office Supplies and Stationery Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45942	Gift, Novelty, and Souvenir Retailers.			
459420	Gift, Novelty, and Souvenir Retailers	N	453220	Gift, Novelty, and Souvenir Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
4595	Used Merchandise Retailers.			
45951	Used Merchandise Retailers.			
459510	Used Merchandise Retailers	N	453310	Used Merchandise Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
4599	Other Miscellaneous Retailers.			
45991	Pet and Pet Supplies Retailers.			
459910	Pet and Pet Supplies Retailers	N	453910	Pet and Pet Supplies Stores.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45992	Art Dealers.			
459920	Art Dealers	N	453920	Art Dealers.
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
45993	Manufactured (Mobile) Home Dealers.			
459930	Manufactured (Mobile) Home Dealers	N	453930	Manufactured (Mobile) Home Dealers.
45999	All Other Miscellaneous Retailers.			
459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers.	N	453991	Tobacco Stores.
			*453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)— <i>electronic cigarette stores and marijuana stores, medical or recreational.</i>
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
459999	All Other Miscellaneous Retailers	N	*453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)— <i>except general merchandise auction houses, electronic cigarette stores, and marijuana stores, medical or recreational.</i>
			*454110	Electronic Shopping and Mail-Order Houses.
			*454390	Other Direct Selling Establishments.
513	Publishing Industries.			

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
5131	Newspaper, Periodical, Book, and Directory Publishers.			
51311	Newspaper Publishers.			
513110	Newspaper Publishers	N	511110	Newspaper Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet newspaper publishers.</i>
51312	Periodical Publishers.			
513120	Periodical Publishers	N	511120	Periodical Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet periodical publishers.</i>
51313	Book Publishers.			
513130	Book Publishers	N	511130	Book Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet book publishers.</i>
51314	Directory and Mailing List Publishers.			
513140	Directory and Mailing List Publishers	N	511140	Directory and Mailing List Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet directory and mailing list publishers.</i>
51319	Other Publishers.			
513191	Greeting Card Publishers	N	511191	Greeting Card Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet greeting card publishers.</i>
513199	All Other Publishers	N	511199	All Other Publishers.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>all other Internet publishers.</i>
5132	Software Publishers.			
51321	Software Publishers.			
513210	Software Publishers	N	511210	Software Publishers.
516	Broadcasting and Content Providers.			
5161	Radio and Television Broadcasting Stations.			
51611	Radio Broadcasting Stations.			
516110	Radio Broadcasting Stations	N	515112	Radio Stations.
51612	Television Broadcasting Stations.			
516120	Television Broadcasting Stations	N	*515120	Television Broadcasting— <i>television broadcasting stations.</i>
5162	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.			
51621	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.			
516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.	N	515111	Radio Networks.
			*515120	Television Broadcasting— <i>television networks.</i>
			515210	Cable and Other Subscription Programming.
			519110	News Syndicates.
			*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>Internet broadcasting.</i>
5171	Wired and Wireless Telecommunications (except Satellite).			
51711	Wired and Wireless Telecommunications Carriers (except Satellite).			
517111	Wired Telecommunications Carriers	N	517311	Wired Telecommunications Carriers.
517112	Wireless Telecommunications Carriers (except Satellite).	N	*517312	Wireless Telecommunications Carriers (except Satellite)— <i>except agents for wireless telecommunications carriers.</i>
51712	Telecommunications Resellers and Agents for Wireless Telecommunication Services.			
517121	Telecommunications Resellers	N	*517911	Telecommunications Resellers— <i>except agents for wireless telecommunications resellers.</i>
517122	Agents for Wireless Telecommunications Services.	N	*517312	Wireless Telecommunications Carriers (except Satellite)— <i>agents for wireless telecommunications carriers.</i>
			*517911	Telecommunications Resellers— <i>agents for wireless telecommunications resellers.</i>

TABLE 2—ECPC RECOMMENDATIONS FOR 2022 NAICS UNITED STATES MATCHED TO 2017 NAICS UNITED STATES—Continued

2022 NAICS code	2022 NAICS description	Status code	2017 NAICS code	2017 NAICS description
5178	All Other Telecommunications.	N	517919	All Other Telecommunications.
51781	All Other Telecommunications.		*519	Other Information Services— <i>except news syndicates and Internet publishing and broadcasting.</i>
517810	All Other Telecommunications	R		
519	Web Search Portals, Libraries, Archives, and Other Information Services.			
5192	Web Search Portals, Libraries, Archives, and Other Information Services.			
51921	Libraries and Archives.			
519210	Libraries and Archives	N	519120	Libraries and Archives.
51929	Web Search Portals and All Other Information Services.			
519290	Web Search Portals and All Other Information Services.	N	*519130	Internet Publishing and Broadcasting and Web Search Portals— <i>web search portals.</i>
			519190	All Other Information Services.
52218	Savings Institutions and Other Depository Credit Intermediation.			
522180	Savings Institutions and Other Depository Credit Intermediation.	N	522120	Savings Institutions.
			522190	Other Depository Credit Intermediation.
522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.	N	522293	International Trade Financing.
			522294	Secondary Market Financing.
			522298	All Other Nondepository Credit Intermediation.
52315	Investment Banking and Securities Intermediation.			
523150	Investment Banking and Securities Intermediation.	N	523110	Investment Banking and Securities Dealing.
			523120	Securities Brokerage.
52316	Commodity Contracts Intermediation.			
523160	Commodity Contracts Intermediation	N	523130	Commodity Contracts Dealing.
			523140	Commodity Contracts Brokerage.
52394	Portfolio Management and Investment Advice.			
523940	Portfolio Management and Investment Advice ..	N	523920	Portfolio Management.
			523930	Investment Advice.
811114	Specialized Automotive Repair	N	811112	Automotive Exhaust System Repair.
			811113	Automotive Transmission Repair.
			811118	Other Automotive Mechanical and Electrical Repair and Maintenance.
811210	Electronic and Precision Equipment Repair and Maintenance.	N	811211	Consumer Electronics Repair and Maintenance.
			811212	Computer and Office Machine Repair and Maintenance.
			811213	Communication Equipment Repair and Maintenance.
			811219	Other Electronic and Precision Equipment Repair and Maintenance.

N—new NAICS industry/code for 2022; *—Part of 2017 NAICS United States industry; R—2017 NAICS industry code reused with different content.

Sharon I. Block,
Acting Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2021-14249 Filed 7-1-21; 8:45 am]

BILLING CODE 3110-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2021-034]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of a request for comments regarding a new information collection.

SUMMARY: We are requesting that the Office of Management and Budget

(OMB) renew its approval for us to engage in the following generic information collection request (generic ICR), and we invite you to comment on it: Generic Clearance for NARA Public and Education Program Registration. Under this information collection, we request registration and attendance information from people requesting to attend an education or other program at NARA.

DATES: OMB must receive written comments on or before August 2, 2021.

ADDRESSES: Submit comments in writing to Mr. Nicholas A. Fraser, OIRA (NARA Desk Officer); Office of

Management and Budget; New Executive Office Building; Washington, DC 20503, by fax at 202-395-5167; or electronically to Nicholas_A._Fraser@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Tamee Fechhelm, Paperwork Reduction Act Officer, by email at tamee.fechhelm@nara.gov or by telephone at 301.837.1694

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), we invite comments proposed information collections. Comments and suggestions should address one or more of the following points: (a) Whether the proposed information is necessary for NARA to properly perform its functions; (b) our estimates of the burden of the proposed information collections and their accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses. Burden means the total time, effort, or financial resources people need to provide the information, including time to review instructions, process and maintain the information, search data sources, and respond.

We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information.

Explanation of Generic ICRs

A generic ICR is a request for OMB to approve a plan for conducting more than one information collection using very similar methods when (1) we can evaluate the need for and the overall practical utility of the data in advance, as part of the review of the proposed plan, but (2) we cannot determine the details of the specific individual collections until a later time. Most generic clearances cover collections that are voluntary, low-burden (based on a consideration of total burden, total respondents, or burden per respondent), and uncontroversial. This notice, for example, describes a general plan to gather registration information from members of the public who wish to participate in programs at NARA, through a series of registration forms used for a variety of current and future education programs at different

facilities. As part of this plan, we construct, distribute, and use the registration forms in a similar manner, but customize each one for the type and location of the program involved.

Because we seek public comment on the plan, we do not need to seek public comment on each specific information collection that falls within the plan when we later develop the individual information collection. This saves the Government time and burden, and it streamlines our ability to gather registration information so we can provide more responsive programs. However, we still submit each specific information collection (e.g., each form) to OMB for review, in accordance with the terms of clearance set upon approval of the plan. OMB assesses the individual forms for PRA requirements, ensures that they fit within the scope of this generic ICR plan, and includes the specific forms in the PRA public docket prior to our use of them.

Specifics on This Information Collection

Title: Generic Clearance for NARA Public and Education Program Registration.

Description: This generic information collection request allows us to gather information from those members of the public who wish to register for public events, education programs, tours, and training sponsored by NARA. We will not use these forms for quantitative information collections designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

Purpose: Collecting this information allows us to register participants for NARA's public, education, and training programs throughout the agency's locations, and to collect and process credit card payments. The information is also used to develop mailing lists for distribution of education-related information and special NARA training events, based on the request or expressed interest of the person registering. Advance registration allows NARA offices to schedule the tours, training, and events to maximize the participants' time and to accommodate the participants in the space. The information collected from registrants will help ensure that users have an effective, efficient, and satisfying experience with our programs, in compliance with E.O. 12862. Without the ability to collect this information, NARA would not be able to effectively organize events, resulting in possibly turning away members of the public from events that might be overbooked.

Conditions: We will submit a specific information collection for approval under this generic clearance only if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- Personally identifiable information (PII) is collected only to the extent necessary and is retained only for the period of time required by NARA records schedules;
- Information gathered will be used only internally for 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.

As a general matter, information collections under this generic collection request 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. In this notice, NARA solicits comments concerning the following information collection:

Title: Generic Clearance for NARA Public and Education Program Registration.

OMB number: 3095-0074.

Agency form numbers: NA 2027, 2029, 2030, 2032, 11009, 11009C.

Type of review: Regular.

Projected affected public: Individuals or households, business or other for-profit, not-for-profit institutions, schools, Federal, state, local, or tribal government organizations.

Projected average estimates for the next three years:

Average expected annual number of forms: 6.

Average projected number of respondents per form: 1.

Estimated number of respondents in total: 7,921.

Estimated time per response: 5-10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,300 hours.

Abstract: We offer a variety of education programs, public programs, tours, training, and events throughout the country. In order to register participants, we use various online and paper registration forms. Advance registration allows NARA offices to schedule the tours, training, and events to maximize the participants' time and to accommodate the participants in the space.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2021-14232 Filed 7-1-21; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate.

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov*, or call 202/682-5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of September 10, 2019, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meeting is: Artist Communities (review of applications): This meeting will be closed.

Date and time: July 19, 2021; 12:00 p.m. to 2:00 p.m.

Dated: June 29, 2021.

Sherry P. Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2021-14190 Filed 7-1-21; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

60-Day Notice for the "NEA American Rescue Plan Act of 2021 Grants to Organizations and Grants to Local Arts Agencies for Subgranting Notices of Funding Opportunities (NOFOs)"

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of proposed collection; comment request.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of: NEA American Rescue Plan Act of 2021 Grants to Organizations and Grants to Local Arts Agencies for Subgranting Notices of Funding Opportunities (NOFOs). A copy of the current information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below within 60 days from the date of this publication in the **Federal Register**. The NEA 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
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

ADDRESSES: Email comments to Daniel Beattie, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at: *beattied@arts.gov*.

FOR FURTHER INFORMATION CONTACT: Daniel Beattie, Director of Guidelines and Panel Operations, National Endowment for the Arts, at (202) 682-5688 or at *beattied@arts.gov*.

Dated: June 22, 2021.

Daniel Beattie,

Director, Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2021-13540 Filed 7-1-21; 8:45 am]

BILLING CODE 7537-01-P

NATIONAL SCIENCE FOUNDATION

Request for Information; National Science Foundation's Directorate for Computer Information Science and Engineering

AGENCY: National Science Foundation.

ACTION: Request for information.

SUMMARY: Semiconductor-related research, including underlying supply-chain, business, and economic impacts, are increasingly important to the Nation's long-term competitiveness and security. Through this Request for Information (RFI), the National Science Foundation's (NSF) Directorate for Computer Information Science and Engineering (CISE) seeks input from those who are directly engaged in, or might potentially benefit from, CISE-related research and education in semiconductor and micro- and nano-electronics.

DATES: Please send comments on or before September 30, 2021. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

ADDRESSES: Submit comments to Sankar Basu or Erik Brunvand, Program Directors, *CISE_SemiWG@nsf.gov*.

National Science Foundation, 2415 Eisenhower Avenue, Suite E10241, Alexandria, Virginia 22314. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1.800.877.8339, 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION: The computing stack has traditionally been viewed as a hierarchy of layers with devices and circuits comprising the lowest layers, and architectures, software, algorithms, and applications constituting progressively higher layers. Lower layers of the stack (*e.g.*, devices, circuits, architectures) more directly involve semiconductor technologies to the extent that researchers may interact with large-scale fabrication facilities, but all levels of the stack are influenced by microelectronic advances to varying degrees. Thus, although in its entirety CISE research may not directly involve research on semiconductors, *per se*, the entire computing stack, from circuit design to architectures and on to software and applications such as sensor networks including the Internet of Things (IoT), embedded computing, next-generation wireless systems, large-scale data analytics, AI, edge and cloud computing, and high-performance computing, heavily depends on advances in this space.

As a result, much of the CISE directorate's portfolio is dependent upon advances in semiconductor technologies. For one example, tomorrow's artificial intelligence (AI) innovations offer transformative societal impacts, but require advanced hardware capabilities that leverage newer semiconductor technologies. Conversely, the hardware design problem is a large multi-objective, multiscale optimization problem that stands to benefit from the application of modern AI techniques.

Invitation to Comment: NSF invites comments from the public who are directly engaged in, or might potentially benefit from, CISE-related research and education in semiconductor and micro- and nano-electronics.

1.0 Background

On December 14–20, 2020, CISE funded a workshop focusing on the lowest levels of the computing stack. This workshop considered the scientific frontiers for semiconductor and microelectronics technologies as well as the needs for access to semiconductor foundries (for details, see the workshop report at https://nsfedaworkshop.nd.edu/assets/429148/nsf20_foundry_meeting_report.pdf).

Building upon that workshop and report, and given the diverse interests of the CISE directorate and community, the intent of this RFI is broader. Specifically, NSF/CISE seeks to:

- Gauge the extent to which the community's research and educational agenda are handicapped, *e.g.*, by unavailability of past or future resources. By this, NSF/CISE asks that respondents not restrict their answers to issues related to funding, but rather also consider issues related to infrastructure, facilities, access to tools/intellectual property/data, legal issues, etc., that support their research and educational agenda in the broader area of semiconductors;

- Understand what specific activities the research community would pursue and how that activity would impact societal and national interests, if the impediments mentioned in the first category above are removed. NSF/CISE asks respondents to be specific in making projections about new technologies potentially enabled by advances in semiconductor and microelectronics technologies within the 5-, 10-, or 15-year horizons, or longer.

2.0 Request for Information

This RFI is issued solely for information-gathering purposes. NSF/CISE's intent is to analyze the responses received from this RFI for internal needs and for potentially formulating future programmatic. NSF/CISE may make anonymized versions of the responses available for public consumption. This RFI does not constitute a formal solicitation for proposals. To respond to this RFI, please use the official submission form available at <https://www.surveymonkey.com/r/CISERFIonSemiconductorResearchandEducation>.

(Authority: 42 U.S.C. 1861.)

Dated: June 28, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021-14159 Filed 7-1-21; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0055]

Information Collection: NRC Online Form, Request for Alternatives

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Online Form, "Request for Alternatives."

DATES: Submit comments by August 31, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC-2021-0055. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail Comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2021-0055 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC-2021-0055. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2021-0055 on this website.

• *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML21060B371. The supporting statement is available in ADAMS under Accession No. ML21055A387.

• *Attention*: The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer*: A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0055 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov/> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection*: NRC Online Form, "Request for Alternative Under 10 CFR 50.55a(z)(1) and 10 CFR 50.55a(z)(2)."

2. *OMB approval number*: 3150-0244.

3. *Type of submission*: Revision.

4. *The form number, if applicable*: Not applicable.

5. *How often the collection is required or requested*: On occasion.

6. *Who will be required or asked to respond*: All holders of, and certain applicants for, nuclear power plant construction permits and operating licenses under the provisions of part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities" who use alternatives to the requirements of 10 CFR 50.55a paragraphs (b) through (h) when authorized by the NRC have the option of using the online form.

7. *The estimated number of annual responses*: 297.

8. *The estimated number of annual respondents*: 104.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request*: 1,782.

10. *Abstract*: Section 50.55a of 10 CFR incorporates by reference Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," and Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (B&PV Code); and the rules of the ASME "Code for Operation and Maintenance of Nuclear Power Plants" (OM Code). These rules of the ASME B&PV and OM Codes set forth the requirements to which nuclear power plant components are designed, constructed, tested, repaired, and inspected. Section 50.55a(z) of 10 CFR allows applicants to use alternatives to the requirements of 10 CFR 50.55a paragraphs (b) through (h) when authorized by the NRC. To facilitate licensees' requests for alternatives to the requirements in the above regulations, the NRC is providing an optional online form to submit the required information for a specific alternative request under 10 CFR 50.55a(z).

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: June 29, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-14245 Filed 7-1-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 5, 12, 19, 26, August 2, 9, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of July 5, 2021

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.

Week of July 19, 2021—Tentative

There are no meetings scheduled for the week of July 19, 2021.

Week of July 26, 2021—Tentative

There are no meetings scheduled for the week of July 26, 2021.

Week of August 2, 2021—Tentative

There are no meetings scheduled for the week of August 2, 2021.

Week of August 9, 2021—Tentative

There are no meetings scheduled for the week of August 9, 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 30, 2021.

For the Nuclear Regulatory Commission.

Monika G. Coffin,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2021-14306 Filed 6-30-21; 11:15 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021-105 and CP2021-107]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 6, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s): MC2021-105 and CP2021-107; Filing Title: USPS Request

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

to Add Priority Mail Contract 708 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: June 25, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Kenneth R. Moeller; Comments Due: July 6, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2021-14177 Filed 7-1-21; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission Asset Management Advisory Committee ("AMAC") will hold a public meeting on Wednesday, July 7, 2021 at 11:00 a.m.

PLACE: The meeting will be conducted by remote means. Members of the public may watch the webcast of the meeting on the Commission's website at www.sec.gov.

STATUS: The meeting will begin at 11:00 a.m. and will be open to the public by webcast on the Commission's website at www.sec.gov.

MATTER TO BE CONSIDERED: On June 15, 2021, the Commission issued notice of the meeting (Release No. 34-92179), indicating that the meeting is open to the public and inviting the public to submit written comments to AMAC. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The meeting will include a discussion of matters in the asset management industry relating to: (1) The ESG, Diversity & Inclusion, and Private Investments Subcommittees, including potential recommendations from those Subcommittees; and (2) the Evolution of Advice Subcommittee, including a panel discussion.

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 30, 2021.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021-14381 Filed 6-30-21; 4:15 pm]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional “peg” rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 2.00 percent for the July–September quarter of FY 2021.

Pursuant to 13 CFR 120.921(b), the maximum legal interest rate for any third party lender’s commercial loan which funds any portion of the cost of a 504 project (see 13 CFR 120.801) shall be 6% over the New York Prime rate or, if that exceeds the maximum interest rate permitted by the constitution or laws of a given State, the maximum interest rate will be the rate permitted by the constitution or laws of the given State.

John Wade,

Chief, Secondary Market Division.

[FR Doc. 2021–14248 Filed 7–1–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17003 and #17004; Kansas Disaster Number KS–00145]

Administrative Declaration of a Disaster for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of KANSAS dated 06/28/2021.

Incident: Flooding.

Incident Period: 05/15/2021 through 05/16/2021.

DATES: Issued on 06/28/2021.

Physical Loan Application Deadline Date: 08/27/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 03/28/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT:

A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW,

Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Osborne.

Contiguous Counties: Kansas: Ellis, Jewell, Lincoln, Mitchell, Rooks, Russell, Smith.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere	3.250
Homeowners without Credit Available Elsewhere	1.625
Businesses with Credit Available Elsewhere	5.760
Businesses without Credit Available Elsewhere	2.880
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.880
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17003 6 and for economic injury is 17004 0.

The State which received an EIDL Declaration # is Kansas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,
Administrator.

[FR Doc. 2021–14154 Filed 7–1–21; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2021–0016]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October

1, 1995. This notice includes revisions, and an extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency’s burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA. Comments: <https://www.reginfo.gov/public/do/PRAMain>. Submit your comments online referencing Docket ID Number [SSA–2021–0016].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: OR.Reports.Clearance@ssa.gov.

Or you may submit your comments online through <https://www.reginfo.gov/public/do/PRAMain>, referencing Docket ID Number [SSA–2021–0016].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than August 31, 2021. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Request for Withdrawal of Application—20 CFR 404.640–0960–0015.* Form SSA–521, Request for Withdrawal of Application, allows claimants to specify which application they want to withdraw and the reason for the withdrawal. Form SSA–521 is our preferred instrument for a withdrawal request; however, any written request for withdrawal signed by the claimant or a proper applicant on the claimant’s behalf will suffice. Individuals who wish to withdraw their applications for benefits complete Form SSA–521, or sign the completed form for each request to withdraw. SSA uses the information from Form SSA–521 to process the request for withdrawal. The respondents are applicants for Retirement, Survivors, Disability, and Health Insurance benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Respondents applying for or receiving Retirement, Survivors, or Health Insurance benefits	60,753	1	5	5,063	* \$10.95	** \$55,440
Respondents applying for or receiving Disability benefits	14,374	1	5	1,198	* 10.95	** 13,118
Totals	75,127	.....	.....	6,261	.....	** 68,558

* We based this figure on the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>).
 ** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement of Employer—20 CFR 404.801–404.803—0960–0030.* When workers report they were paid wages but cannot provide proof of those earnings, and the wages do not appear in SSA's records of earnings, SSA uses Form SSA–7011–F4, Statement of Employer,

to document the alleged wages. Specifically, the agency uses the form to resolve discrepancies in the individual's Social Security earnings record and to process claims for Social Security benefits. We only send Form SSA–7011–F4 to employers if we are unable

able to locate the earnings information within our own records. The respondents are employers who can verify wage allegations made by wage earners.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–7011–F4	500	1	30	250	* \$27.07	** \$6,768

* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-0000).
 ** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Statement of Care and Responsibility for Beneficiary—20 CFR 404.2020, 404.2025, 408.620, 408.625, 416.620, and 416.625—0960–0109.* SSA uses the information from Form SSA–788, Statement of Care and Responsibility for Beneficiary, to verify payee applicants' statements of concern, and to identify other potential payees. SSA is concerned with selecting the

most qualified representative payee who will use Social Security benefits in the beneficiary's best interest. SSA considers factors such as the payee applicant's capacity to perform payee duties; awareness of the beneficiary's situation and needs; demonstration of past, and current concern for the beneficiary's well-being. If the payee applicant does not have custody of the

beneficiary, SSA obtains information from the custodian for evaluation against information the applicant provides. Respondents are individuals who have custody of the beneficiary in cases where someone else has filed to be the beneficiary's representative payee.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA–788	134,000	1	10	22,333	* \$27.07	** \$604,554

* We based this figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-0000).
 ** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. *Third Party Liability Information Statement—42 CFR 433.136–433.139—0960–0323.* To reduce Medicaid costs, Medicaid state agencies identify third party insurers liable for medical care or services for Medicaid beneficiaries. Regulations at 42 CFR 433.136–433.139

require Medicaid state agencies to obtain this information on Medicaid applications and redeterminations as a condition of Medicaid eligibility. States may enter into agreements with the Commissioner of Social Security to make Medicaid eligibility

determinations for aged, blind, and disabled beneficiaries in those states. Applications for and redeterminations of Supplemental Security Income (SSI) eligibility in jurisdictions with such agreements are applications and redeterminations of Medicaid eligibility.

Under these agreements, SSA obtains third party liability information using Form SSA-8019-U2, Third Party Liability Information Statement, and provides that information to the

Medicaid state agencies. The Medicaid state agencies use the information to bill third parties liable for medical care, support, or services for a beneficiary to guarantee that Medicaid remains the

payer of last resort. The respondents are SSI claimants and recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes)**	Total annual opportunity cost (dollars)***
SSA-8019-U2 (Paper)	200	1	6	20	* \$19.01	.....	*** \$380
SSI Claims System (Intranet)	35,257	1	6	3,526	* 19.01	** 21	*** 301,613
Totals	35,457	.....	.....	3,546	.....	.....	*** 301,993

* We based this figure on averaging both the average DI payments based on SSA's current FY 2021 data (<https://www.ssa.gov/legislation/2021FactSheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on averaging both the average FY 2021 wait times for field offices and teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Certificate of Election for Reduced Spouse's Benefits—20 CFR 404.421—0960-0398.* SSA cannot pay reduced Social Security benefits to an already entitled spouse unless the spouse elects to receive reduced benefits and is (1) at least age 62, but under full retirement

age; and (2) no longer caring for a child. In this situation, spouses who decide to elect reduced benefits must file Form SSA-25, Certificate of Election for Reduced Spouse's Benefits. SSA uses the information to pay qualified spouses who elect to receive reduced benefits.

Respondents are entitled spouses seeking reduced Social Security benefits.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA-25	30,000	1	13	6,500	* \$27.07	** \$175,955

* We based this figures on average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-00000).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. *Permanent Residence in the United States Under Color of Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960-0451.* Under 20 CFR 416.1415 and 416.1618, SSA requires claimants or recipients to submit evidence of their alien status when they apply for SSI payments, and periodically thereafter as part of the eligibility determination process for SSI. When SSA cannot verify evidence of alien status through the regular claimant interview process,

SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS) using the DHS Systemic Alien Verification for Entitlements (SAVE) program. SSA determines if the individual qualifies for PRUCOL status based on the SAVE program response. SSA does not maintain any forms or applications for respondents to use, rather, the regulations listed in 20 CFR 416.1615

and 416.1618 specify the information respondents need to submit to SSA to show evidence of PRUCOL. Without this information, SSA is unable to determine whether the PRUCOL individual is eligible for SSI payments. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Personal Interview	1,049	1	5	87	* \$27.07	** \$2,355

* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-00000).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7. *Request for Deceased Individual's Social Security Record—20 CFR 402.130—0960-0665.* The Freedom of Information Act (FOIA), at 5 U.S.C. 552(a)(3) of the U.S. Code, provides instructions for members of the public to request records from Federal agencies. When a member of the public requests an individual's Social Security record under FOIA, SSA needs the

name and address of the requestor as well as a description of the requested record to process the request. SSA uses the information the respondent provides on Form SSA-711, Request for Deceased Individual's Social Security Record, or via an internet request through SSA's electronic Freedom of Information Act (eFOIA) website, to:

(1) Verify the wage earner is deceased; and (2) access the correct Social Security record. Respondents are members of the public requesting deceased individuals' Social Security records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
Internet Request through eFOIA	49,800	1	7	5,810	* \$27.07	.....	*** \$157,277
SSA-711 (paper)	200	1	7	23	* 27.07	** 24	*** 2,788
Total	50,000	.....	.....	5,833	.....	.....	*** 160,065

* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-0000).

** We based this figure on the average FY 2021 wait times for field offices, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. *Request for Business Entity Taxpayer Information—0960-0731.* SSA requires law firms or other business entities to complete Form SSA-1694, Request for Business Entity Taxpayer Information, if they wish to serve as appointed representatives and receive direct payment of fees from SSA. SSA

uses the information to issue a Form 1099-MISC. SSA also uses the information to allow business entities to designate individuals to serve as entity administrators authorized to perform certain administrative duties on their behalf, such as providing bank account information, maintaining entity

information, and updating individual affiliations. Respondents are law firms or other business entities with attorneys or other qualified individuals as partners or employees who represent claimants before SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
SSA-1694 (Paper)	366	1	20	122	* \$61.03	** \$7,446
BSO online submission	103	1	20	34	* 61.03	** 2,075
Totals	469	.....	.....	156	.....	** 9,521

* We based this figure on the average legal occupation's hourly salary, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm#00-00000).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: June 29, 2021.

Eric Lowman,

Acting Reports Clearance Officer, Office of Legislative Development and Operations, Social Security Administration.

[FR Doc. 2021-14167 Filed 7-1-21; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice: 11456]

Renewal of International Security Advisory Board Charter

SUMMARY: The Department of State announces the renewal of the Charter for the International Security Advisory Board (ISAB). The purpose of the Secretary's International Security Advisory Board (ISAB) is to provide the

Department with a continuing source of independent insight, advice, and innovation on all aspects of arms control, disarmament, nonproliferation, outer space, critical infrastructure, cybersecurity, the national security aspects of emerging technologies, and international security, as well as related aspects of public diplomacy. The ISAB will remain in existence for two years after the filing date of the Charter unless terminated or renewed.

FOR FURTHER INFORMATION CONTACT: Neil Couch, Executive Director of the International Security Advisory Board, Department of State, Washington, DC 20520, telephone: (202) 647-0902.

Authority: 5 U.S.C. Appendix and 41 CFR 102-3.65.

Johnny Neil Couch,

Executive Director, International Security Advisory Board, U.S. Department of State.

[FR Doc. 2021-14189 Filed 7-1-21; 8:45 am]

BILLING CODE 4710-35-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Ellington Field, Houston, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at Ellington Field under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before August 2, 2021.

ADDRESSES: Comments on this application may be emailed to the FAA at the following address: Mr. Jesse Carriger, Manager, 7-ASW-TX-ADO@faa.gov, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW-650, 10101 Hillwood Parkway, Fort Worth, Texas 76177.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Arturo Machuca, General Manager, at the following address: 11602 Aerospace Avenue, Houston, Texas, 77034.

FOR FURTHER INFORMATION CONTACT: Mr. Roman Piñon, Lead Civil Engineer, Federal Aviation Administration, Texas Airports District Office, 10101 Hillwood Parkway, Fort Worth, Texas 76177, Telephone: (817) 222-5613, Email: roman.pinon@faa.gov, Fax: (817) 222-5989.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at Ellington Field under the provisions of the AIR 21.

The following is a brief overview of the request:

The City of Houston requests the release of 3.95 acres of non-aeronautical airport property. The land was acquired by Indenture and Deed without Warrant from the United States on July 1, 1984 and August 21, 1984 respectively. Any person may inspect the request at the FAA listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request inspect the application, notice and other documents relevant to the application in person at Ellington Field, telephone number (713) 847-4200.

Issued in Fort Worth, Texas, on May 17, 2021.

Ignacio Flores,

Manager, Airports Division, FAA, Southwest Region.

[FR Doc. 2021-14229 Filed 7-1-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-26367]

Motor Carrier Safety Advisory Committee (MCSAC); Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of advisory committee meeting.

SUMMARY: FMCSA announces a meeting of the MCSAC, which will take place via videoconference.

DATES: The meeting will be held Monday and Tuesday, July 19 and 20, 2021, from 9:15 a.m. to 4:30 p.m., Eastern Time. Requests for accommodations because of a disability must be received by Friday, July 9, 2021. Requests to submit written materials to be reviewed during the meeting must be received no later than July 9, 2021.

ADDRESSES: The meeting will be held via videoconference. Those members of the public who would like to participate should go to <https://www.fmcsa.dot.gov/advisory-committees/mcsac/meetings> to access the meeting, task statements, a detailed agenda for the entire meeting, meeting minutes and additional information on the committee and its activities.

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey

Avenue SE, Washington, DC 20590, (202) 360-2925, mcsac@dot.gov. Any committee-related request or submission should be sent via email to the person listed in this section. Information may also be submitted by docket through Docket Number FMCSA-2006-26367 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590.

- **Hand Delivery:** Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Docket Operations.

SUPPLEMENTARY INFORMATION:

I. Background

Purpose of the Committee

MCSAC was established to provide FMCSA with advice and recommendations on motor carrier safety programs and motor carrier safety regulations. MCSAC is composed of up to 25 voting representatives from safety advocacy, safety enforcement, labor, and industry stakeholders of motor carrier safety. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. The committee operates as a discretionary committee under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended 5 U.S.C. App. 2.

Meeting Agenda

On Tuesday, the MCSAC will begin considering Task 21-1, relating to supply chains for the transportation industrial base. Task 21-1 will include discussions about workforce skills for the motor carrier sector and identified gaps, opportunities, and potential best practices in meeting the future workforce needs and driver retention for the motor carrier industry, as well as the role of transportation systems in supporting existing supply chains and risks associated with those transportation systems and the safe and efficient transportation of passengers and freight across our Nation. Following its initial consideration of data and presentations on the topic, the MCSAC

will engage its Driver Subcommittee for its consideration of workforce needs, at a meeting later this summer.

Additionally, MCSAC will resume consideration of the following issues:

- Task 20–2 will focus on the impact of the aging demographic of the commercial motor vehicle driver workforce on the truck and bus industries and whether this trend will exacerbate the driver shortage problem. Stakeholders have expressed concerns about the need to address the driver shortage, including options for allowing younger drivers to enter the industry. How would an aging workforce impact motor carriers' ability to deliver services and goods safely in interstate commerce? For this task, FMCSA will consider data by agency experts on the distribution of age among CMV drivers.
- Task 20–1 will provide the MCSAC with the opportunity to discuss changes to the package and small goods delivery sector. A number of companies are now using small vehicles (e.g., vehicles with a gross vehicle weight rating less than 10,000 pounds, etc.) to deliver goods and there appears to be a gap in safety oversight of both drivers and vehicles. For this task, members will hear from Agency experts on trends in the Fatality Analysis Reporting System (FARS) and Motor Carrier Management Information System (MCMIS) crash and highway safety data.

II. Meeting Participation

While not required, advance registration is encouraged. To indicate that you will attend, please register at www.fmcsa.dot.gov/mcsac by the deadline referenced in the **DATES** section. The meeting will be open to the public for its entirety. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Oral comments from the public will be heard throughout the meeting, at the discretion of the MCSAC chairman and designated federal officer. Additionally, to ensure that all participants have had the opportunity to have their comments heard, the agenda will include a public comment period at the end of each day's session. Members of the public may submit written comments to the person listed in the **FOR FURTHER INFORMATION CONTACT** section on the topics to be considered during the meeting by the deadline referenced in **DATES** section. Any member of the public may submit

a written statement after the meeting deadline, and it will be presented to the committee.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–14214 Filed 7–1–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Availability of Report of 2020 Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice.

SUMMARY: A report summarizing the closed meeting activities of the Art Advisory Panel during Fiscal Year 2020 has been prepared. A copy of this report has been filed with the Assistant Secretary for Management of the Department of the Treasury.

DATES: *Effective Date:* This notice is effective June 28, 2021.

ADDRESSES: The report is available at <https://www.irs.gov/compliance/appeals/art-appraisal-services>.

FOR FURTHER INFORMATION CONTACT:

Robin B. Lawhorn, AP:SPR:AAS, Internal Revenue Service/Independent Office of Appeals, 400 West Bay Street, Suite 252, Jacksonville, FL 32202, Telephone number (904) 661–3198 (not a toll free number).

SUPPLEMENTARY INFORMATION: It has been determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis is, therefore, not required. Additionally, this document does not constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Authority: 5 U.S.C. App. 2, section 10(d), of the Federal Advisory Committee Act, and 5 U.S.C. 552b, of the Government in the Sunshine Act.

Andrew J. Keyso,

Chief, Independent Office of Appeals.

[FR Doc. 2021–14170 Filed 7–1–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (“Treasury” or the “Department”), Treasury proposes to modify a current Treasury system of records titled, “Department of the Treasury, Treasury .001—Treasury Payroll and Personnel System” System of Records. The records and information collected and maintained in this system includes, but are not limited to: (1) Maintaining current and historical payroll records that are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims; and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training; classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury; (3) maintaining employment history; and (4) perform personnel and payroll functions for Federal agencies for which Treasury is a cross-services provider and to conduct activities necessary to carry-out the official HR line of business for all Federal departments and agencies that are serviced by the National Finance Center (NFC); (5) producing of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury, and (6) maintaining information about Treasury personnel and their dependents for needs and status assessments to determine if they are entitled to a benefit related to a natural or man-made disaster, a public health emergency, or similar crisis.

DATES: Submit comments on or before August 2, 2021. The modification of the system of records notice will be applicable on August 2, 2021.

ADDRESSES: Written comments on this notice may be submitted electronically through the Federal government eRulemaking portal at <http://www.regulations.gov>. Electronic submission of comments allows the commenter maximum time to prepare

and submit a comment, ensures timely receipt, and enables the Treasury to make the comments available to the public. Please note that comments submitted through <https://www.regulations.gov> will be public and can be viewed by members of the public. Due to COVID-19-related restrictions, Treasury has suspended its ability to receive public comments by mail.

In general, Treasury will post all comments to <https://www.regulations.gov> without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting material, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Colleen Heller-Stein, 202-927-4800, Acting Deputy Assistant Secretary for Human Resources/Chief Human Capital Officer, 1500 Pennsylvania Avenue NW, Washington, DC 20220. For privacy issues, please contact: The Department of the Treasury, Office of Privacy and Civil Liberties via email at privacy@treasury.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Department of the Treasury (“Treasury” or the “Department”), Treasury proposes to modify a current Treasury system of records titled, “Department of the Treasury, Treasury .001—Treasury Payroll and Personnel System” System of Records.

The proposed modification to the system of records makes the following substantive changes:

Treasury is modifying and publishing the modified system of records notice to add (1) one authority to collect, (2) one additional purpose (producing of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury), (3) add 6 new routine uses (1–6 of this notice), and (4) update the routine use 23 (formerly 17). This update includes disclosing information to the Department of Justice, appropriate federal, state, local, tribal, foreign, or international agency, Congressional office, the National Archives and Records Administration Archivist, and the 2 breach response routine uses. Additionally, this modification includes an update to the authority to collect. The updated routine use 23 is consistent with the purposes of the original SORN that the records will be used for “production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within

Treasury.” The updated routine use makes it clear and more specific that the records may be disclosed to contractors, grantees, experts, consultants, students, other federal agencies, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Department of the Treasury as required, (5) add Executive Orders 9397, as amended by 13478, 9830, and 12107 relating to Federal agency use of Social Security Numbers. These Executive Orders authorize collection of the Social Security Number. The information maintained in the system is collected to evaluate individuals for specific employment opportunities, and (6) add the American Rescue Plan Act of 2021 (Pub. L. 117-2) as an authority. The American Rescue Plan Act of 2021 provides federal employees with emergency paid leave (EPL) for reasons related to COVID-19. This paid leave entitlement is similar to the emergency paid sick leave (EPSL) provided under the Families First Coronavirus Response Act, but it is not a revival of EPSL. EPL may be used from March 11, 2021, through Sept. 30, 2021 by employees unable to work.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A-108, “Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,” dated December 23, 2016.

Dated: June 10, 2021.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury.001—Treasury Payroll and Personnel System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Shared Development Center of the Treasury Personnel/Payroll System is located at 1750 Pennsylvania Avenue NW, Suite 1300, Washington, DC 20220. The Treasury Personnel System processing site is located at the Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, MI 48226. The Treasury Payroll processing site is located at the United States Department of Agriculture National Finance Center, 13800 Old Gentilly Road, New Orleans, LA 70129.

The locations at which the system is maintained by all Treasury bureaus and offices and their associated field offices are:

- (1) Departmental Offices (DO):
 - a. 1500 Pennsylvania Ave. NW, Washington, DC 20220.

- b. The Office of Inspector General (OIG): 740 15th Street NW, Washington, DC 20220.

- c. Special Inspector General for Pandemic Recovery (SIGPR): 1500 Pennsylvania Avenue NW, Washington, DC 20220.

- d. Special Inspector General for the Troubled Asset Relief Program (SIGTARP): 1801 L Street NW, Washington, DC 20220.

- e. Treasury Inspector General for Tax Administration (TIGTA): 1125 15th Street NW, Suite 700A, Washington, DC 20005.

- (2) Alcohol and Tobacco Tax and Trade Bureau (TTB): 1310 G St. NW, Washington, DC 20220.

- (3) Office of the Comptroller of the Currency (OCC): 400 7th Street SW, Washington, DC 20024.

- (4) Bureau of Engraving and Printing (BEP): 14th & C Streets SW, Washington, DC 20228.

- (5) Fiscal Service (FS): 401 14th Street SW, Washington, DC 20227.

- (6) Internal Revenue Service (IRS): 1111 Constitution Avenue NW, Washington, DC 20224.

- (7) United States Mint (MINT): Avery Street Building, 320 Avery Street, Parkersburg, WV, and 801 9th St. NW, Washington DC 20220.

- (8) Bureau of Public Debt (BPD): 999-E Street NW, Washington, DC 20239.

- (9) Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22183-0039.

SYSTEM MANAGER:

Department of the Treasury: Official prescribing policies and practices: Chief Human Capital Officer/Deputy Assistant Secretary for Human Resources, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

The systems managers for the Treasury bureaus and offices are:

- (1) a. DO: Deputy Assistant Secretary for Human Resources/Chief Human Capital Officer, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

- b. OIG: Personnel Officer, 740 15th Street NW, Suite 500, Washington, DC 20220.

- c. SIGPR: Special Inspector General for Pandemic Recovery, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

- d. SIGTARP: Special Inspector General for the Troubled Asset Relief Program, 1801 L Street NW, Washington, DC 20220.

- e. TIGTA: Director, Human Resources, 1125 15th Street NW, Suite 700A, Washington, DC 20005.

- (2) TTB: Chief, Personnel Division, 1310 G St. NW, Washington, DC 20220.

(3) OCC: Director, Human Resources, 400 7th Street SW, Washington, DC 20024.

(4) BEP: Chief, Office of Human Resources, 14th & C Streets SW, Room 202-13A, E&P Annex, Washington, DC 20228.

(5) FS: Director, Personnel Management Division, 3700 East-West Hwy., Room 115-F, Hyattsville, MD 20782.

(6) IRS: Associate Director, Transactional Processing Operations, 1111 Constitution Avenue NW, CP6, A:PS:TP, 2nd Floor, Washington, DC 20224.

(7) MINT: Associate Director for Workforce Solutions, 801 9th Street NW, 7th Floor, Washington, DC 20220.

(8) FinCEN: Chief of Personnel and Training, Vienna, VA 22183-0039.

A list of the Federal agencies for which Treasury is a cross-services provider and their respective system managers may be obtained by contacting the Chief Human Capital Officer/Deputy Assistant Secretary for Human Resources, at the address shown above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321; Homeland Security Presidential Directive 12 (HSPD-12), and Treasury Directive 80-05, Records and Information Management Program, Executive Orders 9397, as amended by 13478, 9830, and 12107, and the American Rescue Plan Act of 2021 (Pub. L. 117-2).

PURPOSE(S) OF THE SYSTEM:

The purposes of the system includes, but are not limited to: (1) Maintaining current and historical payroll records that are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims; and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training; classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury; (3) maintaining employment history; (4) performing personnel and payroll functions for

Federal agencies for which Treasury is a cross-services provider and to conduct activities necessary to carry-out the official HR line of business for all Federal departments and agencies that are serviced by the National Finance Center (NFC), (5) producing of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury; and (6) maintaining information about Treasury personnel and their dependents for needs and status assessments to determine if they are entitled to a benefit related to a natural or man-made disaster, a public health emergency, or similar crisis.

Consistent with Treasury's information-sharing mission, information stored in Department of the Treasury, Treasury .001—Treasury Payroll and Personnel System may be shared with other Treasury Bureaus, as well as appropriate federal, state, local, tribal, foreign, or international government agencies. This sharing will only occur after Treasury determines that the receiving Bureau or agency has a need to know the information to carry out national security, law enforcement, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees, former employees, and applicants for employment, in all Treasury Department bureaus and offices. (2) Employees, former employees, and applicants for employment of Federal agencies for which the Treasury Department is a cross-services provider. (3) Dependents and family members of employees and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in this system includes such data as:

(1) Employee identification and status data such as name, records that establish an individual's identity, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service;

(2) employment data such as service computation for leave, date probationary period began, date of performance rating, performance contract, and date of within-grade increases;

(3) position and pay data such as position identification number, pay plan, step, salary and pay basis, occupational series, organization

location, and accounting classification codes;

(4) payroll data such as earnings (overtime and night differential), deductions (Federal, state, and local taxes, bonds and allotments), and time and attendance data;

(5) employee retirement and Thrift Savings Plan data;

(6) employment history, and

(7) tables of data for editing, reporting, and processing personnel and pay actions. These include nature of action codes, civil service authority codes, standard remarks, signature block table, position title table, financial organization table, and salary tables.

(8) employees and former employees' dependents and family members' data, including but not limited to full name, date of birth, age, and healthcare provider information.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the United States Department of Justice ("DOJ"), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department of any bureau or office thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where the Department of Justice or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its bureaus and offices; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation provided that the disclosure is compatible with the purpose for which records were collected.

(2) To an appropriate federal, state, local, tribal, foreign, or international

agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, background investigation, license, contract, grant, or other benefit, or if the information is relevant and necessary to a Treasury decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request;

(3) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) To the National Archives and Records Administration Archivist (or the Archivist's designee) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and person when (1) the Department of the Treasury suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) Furnish data to the Department of Agriculture, National Finance Center (which provides payroll and personnel processing services for Treasury under a cross-servicing agreement) affecting the conversion of Treasury employee payroll and personnel processing

services; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer;

(8) Furnish the Internal Revenue Service and other jurisdictions which are authorized to tax employees' compensation with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, for the purpose of furnishing employees with IRS Forms W-2 that report such tax distributions;

(9) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(10) Furnish another Federal agency with information necessary or relevant to effect interagency salary or administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency Start Printed Page 78268 information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to consumer reporting agencies to obtain credit reports and are arguably relevant to debt collection agencies for collection services;

(11) Disclose information to a Federal, state, local, or foreign agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, that has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(12) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where arguably relevant to a proceeding, or in connection with criminal law proceedings;

(13) Disclose information to foreign governments in accordance with formal or informal international agreements;

(14) Provide information to a congressional office in response to an

inquiry made at the request of the individual to whom the record pertains;

(15) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2, which relates to civil and criminal proceedings;

(16) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(17) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(18) Provide wage and separation information to another agency, such as the Department of Labor or Social Security Administration, as required by law for payroll purposes;

(19) Provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state employment compensation board, housing administration agency, and Social Security Administration;

(20) Disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing, a statute, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil or criminal law or regulation;

(21) Disclose information about particular Treasury employees to requesting agencies or non-Federal entities under approved computer matching efforts, limited only to those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other money owed under those programs (e.g., matching for delinquent loans or other indebtedness to the government);

(22) Disclose to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees, for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement activities as required by the Personal Responsibility and Work

Opportunity Reconciliation Act (Welfare Reform Law, *Pub. L. 104-193*);

(23) Disclose to contractors, grantees, experts, consultants, students, other federal agencies, states and local governments, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Department of the Treasury as required for the production of reports, descriptive statistical surveys, rosters, documentation, and studies required for the orderly administration of personnel and payroll-related issues within Treasury;

(24) Disclose information to other Federal agencies with whom the Department has entered into a cross servicing agreement that provides for the delivery of automated human resources operations. These operations may include maintaining current and historical payroll and personnel records, and providing reports, statistical surveys, rosters, documentation, and studies as required by the other federal agency to support its personnel administration activities; and

(26) To appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Disclosure to consumer reporting agencies:

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, Public Law 97-365; debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), or the Federal Claims Collection Act of 1966, 31 U.S.C. 701(a)(3).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. Microfiche, and hard copy are stored on magnetic disc, tape, digital media, and CD-ROM. Disbursement records are stored at the Federal Records Center.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved alphabetically by name of subject or complainant, by case number, by special agent name, by employee identifying number, by victim, and by witness case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The current payroll and personnel system and the personnel and payroll system's master files are kept as Start Printed Page 78269 electronic media. Information rendered to hard copy in the form of reports and payroll information documentation is also retained in an electronic media format. Employee records are retained in automated form for as long as the employee is active on the system (separated employee records are maintained in an "inactive" status). Files are purged in accordance with Treasury Directive 80-05, "Records and Information Management Program."

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Entrances to data centers and support organization offices are restricted to those employees whose work requires them to be there for the system to operate. Identification (ID) cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed. Reports produced from the remote printers are in the custody of personnel and financial management officers and are subject to the same privacy controls as other documents of similar sensitivity.

RECORD ACCESS PROCEDURES:

See "Notification Procedures" below.

CONTESTING RECORD PROCEDURES:

See "Notification Procedures" below.

NOTIFICATION PROCEDURES:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual, or for contesting the contents of a record.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on November 7, 2016 (81 FR 78266) as the Department of the Treasury .001 Treasury Payroll and Personnel System.

[FR Doc. 2021-14246 Filed 7-1-21; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0843]

Agency Information Collection Activity: VHA Homeless Programs—Project CHALLENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 31, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Janel Keyes, Office of Regulations, Appeals, and Policy (10BRAP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Janel.Keyes@va.gov. Please refer to "OMB Control No. 2900-0843" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email maribel.aponte@va.gov. Please

refer to “OMB Control No. 2900–0843” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: VHA Homeless Programs—Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans.

OMB Control Number: 2900–0843.

Type of Review: Revision of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA) launched Project CHALENG (Community Homelessness Assessment, Local Education and Networking Groups) for Veterans in

1993 in response to Public Law 102–405, which required VA to make an assessment of the needs of homeless Veterans in coordination with other Federal departments, state and local government agencies, and nongovernmental agencies with experience working with homeless persons. Since 1993, VA has administered a needs assessment in accordance with guidance in Public Law 103–446 and Public Law 105–114. Legal authority for this data collection is found under 38 U.S.C., Part I, Chapter 5, Section 527 that authorizes the collection of data that will allow measurement and evaluation of the Department of Veterans Affairs Programs, the goal of which is improved health care for Veterans.

This collection of information is necessary to ensure that VA and community partners are developing services that are responsive to the needs of local homeless Veterans, in order to end homelessness and prevent new Veterans from experiencing homelessness. Over the years, data from CHALENG has assisted VA in developing new services for Veterans such as the Homeless Veteran Dental Program (HVDP), the expansion of the Department of Housing and Urban Development–VA Supportive Housing (HUD–VASH) Program, the Veterans Justice Programs and Supportive Services for Veteran Families (SSVF). In addition, community organizations use CHALENG data in grant applications to support services for homeless Veterans; these grant applications are for VA, other Federal, local government, and community foundation dollars, which

maximize community participation in serving homeless Veterans.

This collection will be an update of a collection approved in 2018. Revisions to the collection were made based on input provided by VA staff members to reduce the number of questions in the surveys. The collection consists of two forms/surveys: One for Veterans (VA Form 10–10161) and one for VA staff members, community homeless providers, and interested community members (VA Form 10–10162). The only difference between the two forms/surveys are the introductory demographic questions; the survey is the same for both groups.

Affected Public: Individuals and households.

Estimated Annual Burden: Total = 480 hours.

Veteran Survey (VA Form 10–10161): 300 hours.

Provider Survey (VA Form 10–10162): 180 hours.

Estimated Average Burden per Respondent:

Veteran Survey: 6 minutes.

Provider Survey: 6 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 4,800 total.

Veteran Survey: 3,000.

Provider Survey: 1,800.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–14183 Filed 7–1–21; 8:45 am]

BILLING CODE 8320–01–P

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The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available at <https://>

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