

commercial stations. Of this total, 11,245 stations (or 99%) had revenues of \$41.5 million or less in 2020, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 9, 2021, and therefore these stations qualify as small entities under the SBA definition. In addition, there were 4195 noncommercial educational FM stations. The Commission does not compile and does not have access to information on the revenue of NCE radio stations that would permit it to determine how many such stations would qualify as small entities.

44. In assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of “small business” is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules may apply does not exclude any radio or television station from the definition of small business on this basis and is therefore possibly over-inclusive.

#### *D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements*

45. In this section, we identify the reporting, recordkeeping and other compliance requirements contained in the FNPRM and consider whether small entities are affected disproportionately by any such requirements. The FNPRM proposes no new reporting, recordkeeping or compliance requirements, only seeks to refresh the record on resuming, after a suspension, collection of broadcaster workforce composition data on FCC Form 395-B. The FNPRM also seeks to refresh the record to resolve an issue outstanding since 2004 on whether the Commission can or should change its handling of the data to keep it confidential. The FNPRM also asks whether and how more recently enacted statutes affect its handling of broadcaster employee composition data. If the FNPRM is adopted, broadcasters will simply resume filing Form 395-B and the FCC may change the way it handles data contained in Form 395-B. Because the

FNPRM contains no new reporting or recordkeeping obligations and proposes only resuming filing of an existing Form, the reporting, recordkeeping and other compliance requirements of small entities will not change from such requirements under existing rules, and the burden imposed by the FNPRM will be no greater than under current rules. Additionally, stations with four or less full-time employees are exempt from filing the report. Therefore, because no new requirements are imposed and small stations are exempt, the Commission concludes that small entities will not be disproportionately affected by the FNPRM.

#### *E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered*

46. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

47. This FNPRM seeks to refresh the record regarding the Commission’s annual collection of broadcaster workforce composition data by race and gender on FCC Form 395-B. It would lead only to resumption of this data collection and would impose no new requirements for which the Commission can consider alternatives that would minimize the economic burden on small entities. Further, as detailed in the FNPRM, section 334(a) of the Act states that the Commission shall not revise either the EEO regulations in effect as of September 1992 as such regulations apply to television broadcast station licensees or permittees or the “forms used by such licensees to report pertinent employment data.”

#### *F. Federal Rules That May Duplicate, Overlap, or Conflict With the FNPRM*

48. None.

#### **Ordering Clauses**

49. Accordingly, *it is ordered* that, pursuant to the authority found in sections 1, 4(i), 4(j), 4(k), 303, 334, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 154(k), 303, 334, and 403, this

Further Notice of Proposed Rulemaking *is adopted*.

50. *It is further ordered* that the Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene Dortch,**  
*Secretary.*

[FR Doc. 2021-18665 Filed 8-30-21; 8:45 am]

**BILLING CODE 6712-01-P**

## **GENERAL SERVICES ADMINISTRATION**

### **48 CFR Parts 517, 538, and 552**

**[GSAR Case 2020-G509; Docket No. GSA-GSAR 2021-0015; Sequence No. 1]**

**RIN 3090-AK19**

### **General Services Administration Acquisition Regulation (GSAR); Extending Federal Supply Schedule Orders Beyond the Contract Term**

**AGENCY:** Office of Acquisition Policy, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to incorporate existing internal Federal Supply Schedule (FSS) policy concerning the option to extend the term of the contract and performance of orders beyond the term of the base FSS contract.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before November 1, 2021 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to GSAR Case 2020-G509 to: *Regulations.gov*: <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “GSAR Case 2020-G509”. Select the link “Comment Now” that corresponds with GSAR Case 2020-G509. Follow the instructions provided at the “Comment Now” screen. Please include your name, company name (if any), and “GSAR Case 2020-G509” on your attached document. If your comment cannot be submitted using <https://www.regulations.gov>, call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

*Instructions:* Please submit comments only and cite GSAR Case 2020–G509 in all correspondence related to this case. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov> approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas O’Linn, Procurement Analyst, at [gsarpolicy@gsa.gov](mailto:gsarpolicy@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite GSAR Case 2020–G509.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

As a part of GSA’s comprehensive review of the regulatory requirements in the GSAR, GSA identified supplemental internal GSA policy related to the FSS program that should be placed within the GSAR. Specifically, GSA is seeking to incorporate into the GSAR FSS clause I–FSS–163, Option to Extend the Term of the Contract (Evergreen), and FSS policy concerning standard fill-in information for paragraph (d) of FAR clause 52.216–22, Indefinite Quantity.

**II. Authority for This Rulemaking**

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

**III. Discussion and Analysis**

GSA is amending the GSAR to revise subpart 517.2 for purposes of clarifying requirements contained in 517.207. Additionally, GSA is revising subpart 538.2 for purposes of revising the title of section 538.270 and adding paragraphs (d)(36) and (e) to section 538.273. Lastly, GSA is revising subpart 552.2 to add the following new GSAR clause: 552.238–116, Option to Extend the Term of the FSS Contract. This new GSAR clause incorporates FSS clause, I–FSS–163, Option to Extend the Term of the Contract (Evergreen).

FSS clause I–FSS–163, Option to Extend the Term of the Contract (Evergreen), has been in use by the FSS program since 2000. This clause is currently implemented through internal GSA policy and incorporated into FSS solicitations and contracts. Incorporating this clause into the GSAR allows for greater transparency and ensures FSS regulations are in one area (*i.e.*, part 538).

The internal policy concerning standard fill-in information for paragraph (d) of FAR clause 52.216–22, Indefinite Quantity, has been in use by the FSS program since 2016. The use of standard fill-in information supports the administration of orders issued during the FSS contract ordering period that remain active beyond expiration of the FSS contract ordering period. This requirement is currently implemented through internal GSA policy and incorporated into FSS solicitations and contracts. Incorporating this requirement into the GSAR allows for greater transparency and ensures FSS regulations are in one area (*i.e.*, part 538).

To support the incorporation of these internal GSA policies to the GSAR the following amendments to the GSAR are being made: The title of section 538.270 is being revised from “Evaluation of Federal Supply Schedule (FSS) offers” to “Solicitation, evaluation and award of Federal Supply Schedule (FSS) contracts”; GSAR clause 552.238–116, Option to Extend the Term of the FSS Contract, is being added (*i.e.*, this clause incorporates and will replace the existing FSS clause I–FSS–163, Option to Extend the Term of the Contract (Evergreen)); adding paragraph (d)(36) to GSAR section 538.273 for purposes of incorporating the prescription for 552.238–116, Option to Extend the Term of the FSS Contract; adding paragraph (e) to GSAR section 538.273 for purposes of incorporating the standard fill-in requirement for paragraph (d) of FAR clause 52.216–22, Indefinite Quantity; and making technical changes to 517.207 for purposes of clarity and conformity.

**IV. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rulemaking has been reviewed and determined by Office of Management and Budget (OMB) not to be a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

**V. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a “major rule” may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rulemaking has been reviewed and determined by OMB not to be a “major rule” under 5 U.S.C. 804(2).

**VI. Regulatory Flexibility Act**

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. GSA invites comments from small business concerns and other interested parties on the expected impact of this proposed rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 610 (GSAR Case 2020–G509), in correspondence.

**VII. Paperwork Reduction Act**

This rulemaking does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 517, 538, and 552**

Government procurement.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.*

Therefore, GSA proposes amending 48 CFR parts 517, 538, and 552 as set forth below:

- 1. The authority citation for 48 CFR parts 517, 538, and 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

**PART 517—SPECIAL CONTRACTING METHODS**

■ 2. Amend section 517.207 by revising the introductory text and paragraph (a) to read as follows:

**517.207 Exercise of options.**

In addition to the requirements of FAR 17.207, the contracting officer shall:

(a) Document the contract file with the rationale for exercising the contract option to extend the period of performance if the contractor's performance under the contract is less than satisfactory.

\* \* \* \* \*

**PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING**

■ 3. Revise section 538.270 heading to read as follows:

**538.270 Solicitation, evaluation, and award of Federal Supply Schedule (FSS) contracts.**

■ 4. Amend section 538.273 by adding paragraphs (d)(36) and (e) to read as follows:

**538.273 FSS solicitation provisions and contract clauses.**

\* \* \* \* \*

(d) \* \* \*

(36) 552.238–116, Option to Extend the Term of the FSS Contract. Use in all FSS solicitations and contracts.

(e) Insert the following fill-in information within the blank of paragraph (d) of FAR clause 52.216–22, Indefinite Quantity: “the completion of customer order, including options, 60 months following the expiration of the FSS contract ordering period”.

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 5. Add section 552.238–116 to read as follows:

**552.238–116 Option to Extend the Term of the FSS Contract.**

As prescribed in 538.273(d)(36), insert the following clause:

Option To Extend the Term of the FSS Contract (Date)

(a) The Government may require continued performance of this contract for an additional 5 year period. This option may be exercised up to three times.

(b) The Contracting Officer may exercise the option by providing written notice to the Contractor 30 days before the contract expires.

(End of clause)

[FR Doc. 2021–18517 Filed 8–30–21; 8:45 am]

BILLING CODE 6820–61–P

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–HQ–ES–2019–0014; 4500030113]

RIN 1018–BD03

**Endangered and Threatened Wildlife and Plants; Threatened Status With Section 4(d) Rule for the Dolphin and Union Caribou and 12-Month Finding for the Peary Caribou**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; 12-month finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a 12-month finding on a petition to list the Peary caribou (*Rangifer tarandus pearyi*) (a caribou subspecies) and the Dolphin and Union caribou (*Rangifer tarandus groenlandicus x pearyi*) as endangered or threatened subspecies under the Endangered Species Act of 1973, as amended (Act). Both Peary caribou and Dolphin and Union caribou are native only to Canada. After a review of the best available scientific and commercial information, we find that it is not warranted at this time to add the Peary caribou to the List of Endangered and Threatened Wildlife. We find that listing the Dolphin and Union caribou as a Distinct Population Segment (DPS) of the barren-ground caribou subspecies (*Rangifer tarandus groenlandicus*) is warranted. Accordingly, we propose to list this DPS with a rule issued under section 4(d) of the Act (“4(d) rule”). To ensure that subsequent rulemaking resulting from this proposed rule is as accurate and effective as possible, we are soliciting information from the public, other governmental agencies, the Government of Canada and its provincial governments, the scientific community, industry, and any other interested parties.

**DATES:** We will accept comments received or postmarked on or before November 1, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 15, 2021

**ADDRESSES:** You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the docket number or RIN for this rulemaking (presented above in the document headings). For best results, do not copy and paste either number; instead, type the docket number or RIN into the Search box using hyphens. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2019–0014; U.S. Fish and Wildlife Service; MS: JAO/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803. We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see *Public Comments*, below, for more information).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Maclin, Branch of Delineating and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041; telephone 703–358–2646. If you use a telecommunications device for the deaf, call the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**Executive Summary**

*Why we need to publish a rule.* Under the Endangered Species Act of 1973, as amended (“Act,” 16 U.S.C. 1531 *et seq.*), if we determine that a species warrants listing as an endangered or threatened species, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year.

**Supplementary Information****Executive Summary**

*What this document does.* We find that listing the Peary caribou subspecies is not warranted, and we propose to list the Dolphin and Union caribou DPS as a threatened species with a rule under section 4(d) of the Act.

*The basis for our action.* Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors, alone or in combination: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued

existence.